

Thomas-Jensen Affirmation

Exhibit # 40

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; STATE OF CALIFORNIA; STATE OF ILLINOIS; STATE OF RHODE ISLAND; STATE OF NEW JERSEY; COMMONWEALTH OF MASSACHUSETTS; STATE OF ARIZONA; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; THE DISTRICT OF COLUMBIA; STATE OF HAWAI'I; STATE OF MAINE; STATE OF MARYLAND; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NORTH CAROLINA; STATE OF NEW MEXICO; STATE OF OREGON; STATE OF VERMONT STATE OF WASHINGTON; STATE OF WISCONSIN,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES; U.S. OFFICE OF MANAGEMENT AND BUDGET; MATTHEW J. VAETH, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR OF THE U.S. OFFICE OF MANAGEMENT AND BUDGET; U.S. DEPARTMENT OF THE TREASURY; SCOTT BESSENT, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE TREASURY; PATRICIA COLLINS IN HER OFFICIAL CAPACITY AS TREASURER OF THE U.S.; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; DOROTHY A. FINK, M.D., IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF HEALTH AND HUMAN SERVICES; U.S. DEPARTMENT OF EDUCATION; DENISE CARTER, IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF EDUCATION; U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY; CAMERON HAMILTON, IN HIS OFFICIAL CAPACITY AS ACTING ADMINISTRATOR OF THE U.S. FEDERAL EMERGENCY MANAGEMENT

C.A. No. 25-cv-39-JJM-PAS

AGENCY; U.S. DEPARTMENT OF TRANSPORTATION; JUDITH KALETA, IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF TRANSPORTATION; U.S. DEPARTMENT OF LABOR; VINCE MICONE, IN HIS OFFICIAL CAPACITY AS ACTING SECRETARY OF LABOR; U.S. DEPARTMENT OF ENERGY; INGRID KOLB, IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF THE U.S. DEPARTMENT OF ENERGY; U.S. ENVIRONMENTAL PROTECTION AGENCY; JAMES PAYNE, IN HIS OFFICIAL CAPACITY AS ACTING ADMINISTRATOR OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY; U.S. DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM, IN HER CAPACITY AS SECRETARY OF THE U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT OF JUSTICE; JAMES R. McHENRY III, IN HIS OFFICIAL CAPACITY AS ACTING ATTORNEY GENERAL OF THE U.S. DEPARTMENT OF JUSTICE; THE NATIONAL SCIENCE FOUNDATION and DR. SETHURAMAN PANCHANATHAN, IN HIS CAPACITY AS DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION,

Defendants.

DECLARATION OF DAMIEN MIMNAUGH

I, Damien Mimnaugh, declare as follows:

1. I am a resident of the State of California. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the California Energy Commission (CEC) as Director of the Administrative and Financial Management Services Division.

3. The CEC is responsible for advancing California's energy policy, overseeing California's energy infrastructure, and preparing for energy emergencies.

4. As Director of the Administrative and Financial Management Services Division, I oversee CEC's activities relating to budgets, accounting, contracting, human resources, and information technology.

5. Between 2021 and the present, the CEC applied for and received federal grants, including:

- a. Grant number DE-SE0000080 from the Home Electrification and Appliance Rebates (HEEHRA) Program, last modified on June 12, 2024
- b. Grant number SE0000299 from the Energy Efficiency & Conservation Block Grant (EECBG) Program, executed on May 29, 2024
- c. Grant number DE-EE0010060 from the State Energy Program (SEP), executed on May 24, 2023

6. I understand that the funds for these grant programs were appropriated by Congress as part of the Infrastructure Investment and Jobs Act (P.L. 117-58) ("IIJA") or Inflation Reduction Act of 2022 (P.L. 117-169) ("IRA").

7. True and accurate copies of the documents comprising the final grant agreements for CEC's HEEHRA awards are attached hereto as Exhibit A. True and accurate copies of the documents comprising the final grant agreement for CEC's EECBG award are attached hereto as Exhibit B. True and accurate copies of the documents comprising the final grant agreements for CEC's SEP award are attached hereto as Exhibit C.

8. The U.S. Department of Energy (DOE) awarded about \$290 million to California for the program administration of the HEEHRA Program, a part of the IRA to help fund energy retrofits in homes across the United States.

9. To move funds to consumers quickly, California segmented the HEEHRA program into two phases – the first phase leveraging the California Public Utilities Commission’s existing Technology and Equipment for Clean Heating (TECH) Clean California electrification rebate program, and the second phase providing a point-of-sale program through retail stores and do-it-yourself options. DOE’s HEEHRA funding to California includes \$99.4 million for Phase I and \$190.8 million for Phase II. The DOE approved CEC to launch HEEHRA Phase I on October 4, 2024, with \$99,438,580: \$80,000,000 for rebates and \$19,438,580 for CEC and the program implementor’s administrative costs. The CEC entered into an agreement with Cohen Ventures, Inc. dba Energy Solutions to implement the HEEHRA Phase I Program. To complete the necessary program requirements, implement the program, and process rebates, Energy Solutions entered into at least eight sub agreements totaling approximately \$7.5 million. HEEHRA Phase II is currently under development.

10. The HEEHRA Phase I program provides rebates through contractors to low- and moderate-income households to defray the costs of new, energy-efficient electric equipment and appliances. Rebated equipment in single family homes includes heat pump heating, ventilation and air conditioning (HVAC) equipment and in multi-family buildings includes heat pump HVAC, heat pump water heaters, heat pump clothes dryers, electric cooking, and electrical panel and wiring upgrades. This equipment helps Californians save money and energy, reduce greenhouse gas emissions, and improve indoor air quality. Multifamily rebates became available in California on October 7, 2024 offering up to \$14,000, with single family rebates becoming

available on November 12, 2024 offering up to \$8,000. California allocated rebate funds across three regions of the state (Northern, Central, and Southern) to ensure geographical distribution and accessibility. The CEC estimates that up to 9,500 households could benefit from the HEEHRA Phase I program.

11. As of February 4, 2025, California's HEEHRA program had over 4,860 single-family households seek income eligibility with 2,693 of these having submitted rebate reservation requests of over \$19.7 million. 1,348 of those single-family rebate reservation requests, totaling \$9,820,200, have been approved and contractors/homeowners are now in the process of installation or submitting final documentation to obtain their rebate. The Northern California region funding allocation is 90 percent reserved for single-family rebate and has closed to new reservations. CEC is expecting the Southern California region to be fully reserved in March and Central California in June 2025.

12. Multi-family buildings have a different application process due to different ownership structures, longer retrofit time periods, higher retrofit costs, time needed to access financing, more occupants for obtaining permissions and scheduling, and specific program requirements. The HEEHRA Phase I implementer has completed pre-application eligibility reviews and identified 53 multi-family buildings with 5,519 units as "qualified" to apply for rebate reservations and move to the next phase of the application process. The total potential multi-family rebate value of \$77 million for these 53 buildings is much higher than the \$35 million allocated to multi-family buildings in California's HEEHRA Phase I program but is indicative of the demand for the funds. Forecasts show multi-family reservations to be fully reserved by August 2025.

13. CEC has drawn down approximately \$15 million for HEEHRA Phase I, with the majority being for advanced rebate funds, from the federal Automated Standard Application for Payments (ASAP) system. While rebate funds are allowed to be requested and drawn down in advance, administrative activities needed to process the rebates and fulfill federal award requirements are paid in arrears. CEC submitted on January 31 a request for about \$1.7 million in administrative costs that are not yet secured. CEC estimates that its third-party implementer and their subcontractors will bill the CEC for about \$8.7 million in administrative costs through May 2025 to process the existing single-family reservations. The multi-family building administrative costs are estimated at an additional approximately \$4.5 million but cover the length of the multi-family retrofit term. However, these administrative amounts could change if additional rebates are reserved more quickly or slowly, the implementer's scope of work is amended, contractors leave the program due to funding uncertainty, the federal award agreement changes, and/or federal funding is not provided as expected.

14. The HEEHRA Phase I program is also expected to bolster workforce training and job creation through the training of new contractors across the state, technical assistance and guidance on meeting the unique challenges of installing equipment in multi-family homes, and information on how to appropriately recycle used appliances and refrigerants. Since the single-family program launched in November, more than 600 contractors have been certified and trained as HEEHRA TECH Clean California installers, and another 163 contractors are in the enrollment and training process.

15. The DOE has awarded \$4,522,300 to the CEC for the Energy Efficiency and Conservation Block Grant (EECBG) Program under the IIJA.

16. The EECBG Program assists states in implementing strategies to reduce energy use, reduce fossil fuel emissions, and improve energy efficiency. The CEC used the EECBG award, executed on May 29, 2024, to establish the Local Government Building Decarbonization Challenge grant. This grant provides funds to local governments to advance building decarbonization in their community. This grant was established to direct 60 percent of the state's EECBG formula allocation to local governments that were not eligible for a direct allocation of EECBG funds per DOE requirements and prioritized rural, low income, and disadvantaged communities. California has set ambitious goals to reduce greenhouse gas (GHG) emissions to 40 percent below 1990 levels by 2030 (Cal. Health & Saf. Code section 38566), achieve carbon neutrality by 2045 (Cal. Health & Saf. Code section 38562.2(c)(1)), and reduce GHG emissions to 85 percent below 1990 levels by 2045 (Cal. Health & Saf. Code section 38562.2(c)(2)). The EECBG funds will be used for local government planning in the areas of community building decarbonization and municipal building decarbonization; improving municipal operations to support building decarbonization; developing local codes, ordinances, and voluntary decarbonization measures; and supporting building decarbonization related workforce development activities. Buildings account for 25 percent of the state's GHG emissions, making building decarbonization a critical path to reducing emissions and meeting the state's climate and energy goals. The local governments that were awarded funding are smaller jurisdictions that did not receive a direct allocation from the EECBG program and have limited resources and capacity to complete the planning activities mentioned. This funding is vital to these local governments that would otherwise not be able to complete these projects that benefit their community. The awarded local governments contain disadvantaged communities within their jurisdiction that would not see benefits or improvements from decarbonization without this funding.

17. The CEC awarded \$2,800,000 in grants August 9, 2024, and is pending \$1,050,000 in payments to subrecipients as of January 29, 2025. The following EECBG agreements have been approved by the CEC:

- a. EECBG-24-001 with County of Nevada for a \$700,000 grant. This agreement will support development of an educational campaign for zero-emission vehicles (ZEVs), design of ZEV charging infrastructure at 16 county and community partner facilities, and adjustment of county agency permitting processes, codes, and statutes.
- b. EECBG-24-002 with Town of Truckee for a \$700,000 grant. This agreement will support the development of an Energy Resilience Plan, Municipal Building Decarbonization Plan, Municipal Electric Vehicle Charging Infrastructure Plan, and Building Decarbonization Program.
- c. EECBG-24-003 with County of Santa Clara for a \$700,000 grant. This agreement will support development of the Neighborhood Electrification Planning Pilot Program, Permit Support Pilot and Modernization Program, and planning for the replacement of county domestic hot water heaters and gas heat packaged units with more sustainable alternatives.
- d. EECBG-24-004 with City of Pinole for a \$700,000 grant. This agreement will support the Pinole Energy Enhancement Rebate Pilot Program and development of a virtual all-electric building resource center, draft building performance standard program, municipal building decarbonization plan, permitting compliance program, water heater loaner program, green workforce

training program, and photovoltaic microgrid system design for the City of Pinole's wastewater treatment plant.

18. The DOE has awarded \$30,304,000 to the CEC for the State Energy Program (SEP) under the IIJA.

19. The SEP provides funds for states to implement energy programs that promote efficient energy use and reduce the rate of growth of energy demand. SEP funding is critical to the success of the California's Appliance Efficiency Standards and Building Energy Efficiency Standards, administered by the CEC. With SEP support, the CEC establishes and enforces minimum efficiency levels for energy and water use in consumer electronics, household appliances, and plumbing equipment, ensuring alignment with federal standards. These appliance standards drive the market toward more efficient products, resulting in significant energy and water savings without compromising performance. SEP funding also enables the CEC to enforce compliance, imposing penalties on manufacturers and retailers that sell non-compliant appliances, thereby maintaining the integrity and effectiveness of these regulations.

20. SEP funding is also essential for strengthening California's Building Energy Efficiency Standards, which govern newly constructed buildings and modifications to existing structures under the state's Energy Code (Title 24, Part 6). The recently adopted 2025 Energy Code—made possible through SEP support—advances efficient electric heat pumps, expands electric-ready requirements for new homes, enhances solar photovoltaic and battery storage standards, and strengthens ventilation requirements. These updates are projected to save Californians \$4.8 billion in energy costs while significantly reducing greenhouse gas emissions. By funding regulations development, policy development, enforcement, and education, SEP

ensures that California's Energy Code continues to drive innovation, transform construction practices, and set a global benchmark for energy efficiency.

21. I have reviewed President Trump's executive order titled "Unleashing American Energy," dated January 20, 2025 ("Energy EO"). It is my understanding that Section 7 of the Energy EO orders all agencies to "immediately pause the disbursement of funds appropriated through the Inflation Reduction Act of 2022 (Public Law 117-169) or the Infrastructure Investment and Jobs Act (Public Law 117-58)." I understand that the funds and disbursements targeted in the Energy EO include disbursements to CEC under our current federal funding sources, described above.

22. I have reviewed the Memorandum for Heads of Executive Departments and Agencies, M-25-13, dated January 27, 2025, issued by the Executive Office of the President of the United States, Office of Management and Budget, Matthew J. Vaeth, Acting Director, regarding "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs" ("OMB Memo"). It is my understanding that the OMB Memo requires all federal agencies to "pause" all activities related to disbursement of all federal financial assistance, which I understand would include disbursements to the CEC under our current federal funding sources, described above.

23. The CEC's budget for this year has relied on funding from the HEEHRA, and EECBG, SEP. The CEC has designed programs, allocated funding for staffing, hired staff, and in some cases has entered into contractual agreements with subrecipients based on the anticipated receipt of the federal funding promised in these awards. For example:

- a. For EECBG, we have entered into the four awards described above:
EECBG-24-001, EECBG-24-002, EECBG-24-003, and EECBG-24-004.
The total funding in the three agreements is \$2.8 million.
- b. For the HEEHRA Program, we have entered into award 500-23-003 with
Cohen Ventures, Inc. DBA Energy Solutions. The contract amount is
\$96,685,000.

24. The CEC has already been unable to access disbursements to which it is entitled under the IRA and IJA. On January 31, 2025, at approximately 3 pm Pacific Time, the CEC's Accounting team initiated drawdown processes for HEEHRA, EECBG, and SEP IJA funds using the Automated Standard Application for Payments (ASAP), the federal government's electronic system for transferring money to grant recipients. For the first time, the ASAP system showed a flag stating "Holding for Agency Review" on drawdowns for IJA and IRA funding.

25. On February 3, 2025, at approximately 9:30am Pacific Time, the CEC's Accounting team initiated 2 drawdown requests for HEEHRA funds using ASAP. The ASAP system showed a flag stating "Holding for Agency Review" on drawdowns.

26. In the coming months, we anticipate requesting disbursements of about \$13 million for HEEHRA administrative costs. For EECBG, \$1,050,000 was scheduled for payment January 29, 2025. For the SEP, the CEC uses approximately \$500,000 per month on staffing costs.

27. Any further pause in our federal funding would materially impact the ability of the CEC to meet the obligations of its agreements with the federal government.

28. If the HEEHRA Phase I program is not funded as expected under the award, low- and moderate-income homeowners could choose to not participate due to rebate uncertainty thus

providing a lost opportunity to advance energy benefits to under-resourced communities and make an energy improvement to a home; similar and future building efficiency and electrification incentive programs could be harmed by the distrust and uncertainty created by the federal government; the state's ability to recruit and train needed contractors to sell and install efficient electric equipment and appliances could be harmed by this distrust; and the state's ability to attract qualified energy program implementers would decrease and costs to cover perceived funding risk would grow.

29. If HEEHRA Phase I program funding for reservations is not honored, further harm would accrue by homeowners who relied on the rebates and already undertook home retrofits in reliance on receiving them. Most of these affected people are low-income and would be left with an extra expense of up to \$8,000 that they would need to provide their contractor. This could lead to around \$9.8 million in disputes between contractors and low-to-moderate income homeowners due to a sudden reversal of state and federal commitments. The distrust and lack of confidence created by the lack of program funding would likely require the state to invest even more resources if and when the pause and suspension has been lifted to regain the trust of contractors and homeowners.

30. If we do not receive federal disbursements, EECBG subrecipients will not be able to begin their projects as they are depending on a 50 percent advance payment of their total grant amount. This could make it impossible for them to complete their work before the project deadline. These local governments would not otherwise pursue these projects without the funding and especially the advance payment. The CEC is providing advance payments to begin work as these local governments are unable to fund the staff, vendors, and other necessary elements needed for these planning projects. In addition, the CEC would not be able to complete

the intended purpose of the Local Government Building Decarbonization Challenge as it is funded entirely by the EECBG. The CEC's ability to reimburse subrecipients is dependent on the availability of federal funds. Without reimbursements available, local governments would be forced to pause work on their projects.

31. CEC uses the funding from the EECBG, HEEHRA, and SEP IJA programs to fund approximately 36 positions. If CEC does not receive federal disbursements, CEC will face challenges in its ability to pay its staff. This could lead to staff leaving.

32. Since January 20, 2025, the date of the Energy EO, and January 27, 2025, the date of the OMB Memo to pause funding, the CEC has been unable to provide clear direction to anyone involved with EECBG, HEEHRA, and SEP IJA. This situation is causing reputational harm to the CEC in the energy industry because the pause has led to financial uncertainty among CEC's project partners and other program participants. The CEC's future programs may experience increased costs in outreach and training because our current project partners may be less likely to work with CEC again.

33. The confusion and uncertainty resulting from the interruption in HEEHRA, EECBG, and SEP funding is harmful and interfering with the CEC's ability to carry out its mission to improve energy efficiency, invest in renewable energy and properly serve the citizens of California. Specifically, this budget uncertainty is creating unnecessary work for the CEC, which is taking away staff and resources to move these programs forward. For example, the CEC has fielded multiple inquiries from those involved with these programs asking if funding is still available. In addition, extensive internal and external communications are occurring trying to keep up with latest developments and discuss what actions the CEC may need to take. Furthermore, due to the questionable legality of pausing grant funding, the CEC is being forced

to consider taking steps to mitigate the risk of losing millions of dollars in HEEHRA, EECBG, and SEP funding, which could result in cuts to program services and staffing issues. CEC generally hires staff to administer its programs as full-time, permanent employees. The uncertainty about whether federal funding will be available to support these staff members requires CEC to reallocate resources to ensure CEC will have adequate funding available to pay the staff it has hired. This situation can result in delays, reductions, or cancellations of CEC's plans to enter into contracts or hire staff to perform CEC's other primary functions.

34. The CEC sent an email on February 3, 2025, at 7:30 pm Pacific Time to the relevant U.S. Department of Energy's (DOE) officials inquiring about the CEC's disbursement under HEEHRA that had been requested but not paid. A true and correct copy of this February 3, 2025, email to DOE is attached hereto as Exhibit D. On February 4, 2025, at 4:29 am Pacific Time, the CEC received a return email from DOE, which is attached hereto as Exhibit E.

35. The CEC sent an email on February 3, 2025, at 8:20 pm Pacific Time to the relevant U.S. Department of Energy's (DOE) officials inquiring about the CEC's disbursement under SEP that had been requested but not paid. A true and correct copy of this February 4, 2025, email to DOE is attached hereto as Exhibit F. On February 4, 2025, at 12:29 pm Pacific Time, the CEC received a return email from DOE, which is attached hereto as Exhibit G.

36. The CEC sent an email on February 4, 2025, at 8:38 am Pacific Time to the relevant U.S. Department of Energy's (DOE) official inquiring about the CEC's disbursement under EECBG that had been requested but not paid. A true and correct copy of this February 4, 2025, email to DOE is attached hereto as Exhibit H. On February 4, 2025, at 12:29 pm Pacific Time, the CEC received a return email from DOE, which is attached hereto as Exhibit I.

37. We continue to be concerned that the funding will again be delayed or denied because, as of February 5, 2025, funding in the ASAP system for IIJA and IRA programs remains paused.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 5, 2025, at Sacramento, California.



Damien Mimnaugh

EXHIBIT A

ASSISTANCE AGREEMENT

| | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 1. Award No. DE-SE0000080 | | 2. Modification No. 0002 | | 3. Effective Date 08/01/2023 | | 4. CFDA No. 81.041 | |
| 5. Awarded To Energy Resources, Conservation And Developme Attn: Adrienne Winuk 715 P Street sacramento CA 958145504 | | | | 6. Sponsoring Office State and Community Energy Programs U.S. Department of Energy 1000 Independence Ave, SW washington DC 20585 | | | 7. Period of Performance 08/01/2023 through 09/30/2025 |
| 8. Type of Agreement <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other | | 9. Authority 117-169 IRA 2022 109-58 Energy Policy Act 2005 | | | 10. Purchase Request or Funding Document No. 24SE000497 | | |
| 11. Remittance Address Energy Resources, Conservation And Developme Attn: Adrienne Winuk 715 P Street sacramento CA 95814 | | | | 12. Total Amount Govt. Share: \$290,252,580.00 Cost Share : \$0.00 Total : \$290,252,580.00 | | 13. Funds Obligated This action: \$287,766,400.00 Total : \$290,252,580.00 | |
| 14. Principal Investigator | | 15. Program Manager Jonathan Hartman Phone: 240-562-1353 | | | 16. Administrator Golden Field Office U.S. Department of Energy Golden Field Office 15013 Denver West Parkway Golden CO 80401 | | |
| 17. Submit Payment Requests To Payment - Direct Payment from U.S. Dept of Treasury | | | | 18. Paying Office Multiple | | 19. Submit Reports To See Attachment 2 | |
| 20. Accounting and Appropriation Data 05479-2022-31-200835-41020-1800008-0000000-0000000-0000000 | | | | | | | |
| 21. Research Title and/or Description of Project IRA: SCEP - California | | | | | | | |
| For the Recipient | | | | For the United States of America | | | |
| 22. Signature of Person Authorized to Sign <i>Adrienne Winuk</i> | | | | 25. Signature of Grants/Agreements Officer <i>Nicholas C. Oscarsson</i> | | | |
| 23. Name and Title Adrienne Winuk SSM II | | 24. Date Signed 6/12/2024 | | 26. Name of Officer Nicholas C. Oscarsson | | 27. Date Signed 06/11/2024 | |

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NAME OF OFFEROR OR CONTRACTOR

Energy Resources, Conservation And Development Commission

| ITEM NO. (A) | SUPPLIES/SERVICES (B) | QUANTITY (C) | UNIT (D) | UNIT PRICE (E) | AMOUNT (F) |
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| | <p>UEI: VKM2SF7167N9</p> <p>The purposes of this modification are to:</p> <ol style="list-style-type: none"> 1) Extend the Period of Performance end date, as shown in Block 7; 2) Provide incremental funding, as shown in Block 13; 3) Update the DOE and Recipient Contacts, as shown below; 4) Delete and replace Attachment 1 "Narrative"; Attachment 2, "Federal Assistance Reporting Checklist"; Attachment 3, Budget Information"; and Attachment 5, "NEPA Determination"; and 5) Delete and replace the Special Terms and Conditions. <p>The current Project Period for this award is 08/01/2023-09/30/2025, consisting of the following Tranches:</p> <p>Tranche 1: 08/01/2023 - 09/30/2025</p> <p>In Block 7 of the Assistance Agreement, the Period of Performance reflects the beginning of the Project Period through the end of the current Budget Period.</p> <p>In addition to this Assistance Agreement, this award consists of the items listed on the Cover Page of the Special Terms and Conditions.</p> <p>Recipient acknowledges the activities approved by this award are listed in the NEPA determination, Attachment 5 of this Award. If new activities, or activities that do not fit within the restrictions listed in the NEPA determination are proposed, additional NEPA review and Contracting Officer approval are required. Contact your DOE Project Officer, as shown below.</p> <p>This award is subject to the Financial Assistance regulations contained in 2 CFR 200 as amended by 2 CFR Part 910.</p> <p>Funding for all awards and future budget periods is contingent upon the availability of funds appropriated by Congress for the purpose of this</p> <p>Continued ...</p> | | | | |

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NAME OF OFFEROR OR CONTRACTOR

Energy Resources, Conservation And Development Commission

| ITEM NO. (A) | SUPPLIES/SERVICES (B) | QUANTITY (C) | UNIT (D) | UNIT PRICE (E) | AMOUNT (F) |
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| | <p>program and the availability of future-year budget authority.</p> <p>The Special Terms and Conditions for this award contain specific funding restrictions. Please review the applicable terms for procedures required to lift the restrictions. Specifically, Term 7 which restricts access to funding outside of your current tranche. This Administrative and Legal Requirements Document (ALRD) for this Award establishes funding tranches. The Recipient's approved use of funds is only for the tranche that DOE has approved the recipient for. The Recipient is not approved to use funds in other tranches beyond those it is approved for. If the Recipient uses funds beyond what it has been approved to use, SCEP reserves the right to disallow associated funds as well as take other actions as listed in Term 7 of the Special Terms and Conditions.</p> <p>All other terms and conditions remain unchanged.</p> <p>DOE Award Administrator: Lindsay Eaves Email: Lindsay.eaves@ee.doe.gov Phone: 603-359-9887</p> <p>DOE Project Officer: Jonathan Hartman E-mail: Jonathan.Hartman@hq.doe.gov Phone: 202-909-9058</p> <p>Recipient Business Officer: Gordon Kashiwagi E-mail: gordon.kashiwagi@energy.ca.gov Phone: 916-891-8527</p> <p>Recipient Principal Investigator: Carol Schmitt E-mail: carol.schmitt@energy.ca.gov Phone: 916-776-0750</p> <p>Electronic signature or signatures as used in this document means a method of signing an electronic message that—</p> <p>(A) Identifies and authenticates a particular person as the source of the electronic message;</p> <p>(B) Indicates such person's approval of the information contained in the electronic message; and,</p> <p>(C) Submission via FedConnect constitutes electronically signed documents.</p> <p>ASAP: YES Extent Competed: NOT AVAIL FOR COMP</p> <p>Davis-Bacon Act: YES PI: Doughman, Pamela</p> <p>Continued ...</p> | | | | |

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NAME OF OFFEROR OR CONTRACTOR

Energy Resources, Conservation And Development Commission

| ITEM NO. (A) | SUPPLIES/SERVICES (B) | QUANTITY (C) | UNIT (D) | UNIT PRICE (E) | AMOUNT (F) |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|-------------------|---------------|
| | Fund: 05479 Appr Year: 2022 Allottee: 31 Report Entity: 200835 Object Class: 41020 Program: 1800008 Project: 0000000 WFO: 0000000 Local Use: 0000000 | | | | |

JULY 2004



STATE & COMMUNITY ENERGY PROGRAMS

Narrative Document Template

IRA SECTION 50121: Home Efficiency Rebates

IRA SECTION 50122: Home Electrification & Appliance Rebates

VERSION 1.1

Published on October 13, 2023

Modification Note: This document re-labels the previous "Section 3.2.5: Post-Installation Certificate" as "Section 3.2.6.: Post-Installation Certificate"; adds a word in Sections 3.1.1 and 4.1.1 (highlighted in yellow)

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Introduction

This is an optional document that is not required by the ALRD. A State may use this to submit their ALRD 2 State Application.

This Narrative Document should demonstrate the State's ability and intent to implement the program in accordance with the requirements of the ALRD and the Program Requirements document. The Narrative Document must provide a comprehensive framework and description of all aspects of the proposed rebate program(s). States may use existing programs/infrastructure to implement this work. States may not provide these funds to existing programs to implement non-rebate work.

The Narrative Document must be succinct, self-explanatory, and well-organized so that DOE reviewers can understand program design and delivery. A State must address the following in its application package and corresponding Standard Form 424 Application for Federal Assistance, Standard Form 424A Budget Information, and Budget Justification Workbook. A state may defer some responses to its State Implementation Blueprint, to be provided to DOE after award but prior to program launch. The questions are marked as such, and applicants should check the appropriate box if deferring their response. All other requirements are mandatory within the State application package. If there is no box offering the "Defer response to State Implementation Blueprint" option, then it is required as part of the application package.

Identify whether the application is for a Quick Start program.

- ☐ Yes, this is for a Quick Start Program.
- ☒ No, this is not for a Quick Start Program.

Home Efficiency Rebates State Programs (50121)

Use of Funds and Rebate Eligibility

Section 3.1.1: Use of Funds

1. Provide which types of allowable costs the State proposes within each category of administrative funds and rebate funds and within those categories:

Note: These responses should correspond with the Standard Form 424, Standard Form 424A, and Budget Justification Workbook.

- Provide the total amount of estimated administrative funds to be expended annually:

\$

- Provide the total amount of estimated project-related costs as a portion of the rebate funds to be expended annually:

\$

2. If requesting additional rebate funds for project-related activities, describe and justify each activity and associated budget in the budget justification worksheet.

3. Describe how the State will manage and ensure that rebate minimums and administrative maximums are adhered to over the duration of the program.

Section 3.1.2: Rebate Conditions and Levels

4. Provide the maximum rebate amounts that will be offered within the allowances of the Home Efficiency Rebates requirements.

Note: States may increase the maximum rebate amounts available for low-income households, but States cannot set lower rebates than specified in Section 3.1.2.

5. Identify the allowable project costs for determining rebate levels when based on project cost.

☐ Defer response to State Implementation Blueprint.

6. List the documentation requirements related to project costs from homeowners, contractors, and/or aggregators.

☐ Defer response to State Implementation Blueprint.

7. Describe how homeowners and multifamily building owners will be informed of additional program funding available from non-Federal funds and grants.

☐ Defer response to State Implementation Blueprint.

8. Provide the date after which upgrade projects must be completed for the purposes of being eligible for a rebate under the State program.

☐ Defer response to State Implementation Blueprint.

9. Identify whether, for low-income multifamily buildings, the State will calculate the “per dwelling unit” rebate amount at the less than 80% AMI amount for all units or based on the ratio of LMI to non-LMI units.

☐ At the less than 80% AMI amount for all units

☐ Based on the ratio of LMI to non-LMI units

10. Describe how the State plans to value energy savings based on time, location, or greenhouse gas emissions. The application must demonstrate a strategy for either prioritizing, or requiring in program rules:

- a. Retrofits that will have a disproportionate benefit based on the time or location of energy savings; or
- b. A targeted approach to prioritize reduction in greenhouse gas emissions.

Valuing savings as part of this plan does not replace or count towards the requirements to demonstrate a minimum percentage energy savings for the household on a modeled or measured basis.

☐ Defer response to State Implementation Blueprint.

11. Describe how the State plans to ensure and verify ENERGY STAR certification at the time of installation for heating, cooling, and water heating products.

12. A State interested in offering higher rebates amounts than those listed in Tables 2 and 3 for low-income households must describe (in the below box) the State approach for balancing higher rebate amounts (serving fewer households) with the required allocation to serve low-income households and must propose the maximum rebate amount that would be available to low-income households both in terms of percentage of project cost and dollar amount for low-income households. Please provide the amounts below or check N/A if not applicable.

☐ N/A. State will use the maximum rebates listed in Tables 2 and 3.

- i. Receive an energy upgrade that is modeled to save at least 20% of energy.

- % of project cost:

- \$ amount for low-income household:

\$

- ii. Receive an energy upgrade that is modeled to save at least 35% of energy.

- % of project cost:

- \$ amount for low-income household:

\$

13. Provide details on what portion(s) of the total rebate will be provided to the homeowner/building owner compared with the contractor/aggregator.

☐ Defer response to State Implementation Blueprint.

- a. Describe what caps the state will place on contractor/aggregators in terms of savings exceeding the amount associated with the rebate provided to the homeowner (e.g., allowable percentage above the rebate provided to homeowner).

☐ Defer response to State Implementation Blueprint.

14. Describe what systems will be put into place to reserve funds for each measured project, given the need to remit payment to the contractor/aggregator after 9-12 months of usage data post-energy upgrade is available.

☐ Defer response to State Implementation Blueprint.

15. For the measured program path, describe how the State will calculate rebate levels based on average home energy usage in the State¹.

☐ Defer response to State Implementation Blueprint.

16. For the measured program path, within what timeframe will the State provide rebates to eligible rebate recipients?

☐ Defer response to State Implementation Blueprint.

Section 3.1.3: Low-Income Homes

17. What portion of the rebate funds will the State reserve for low-income households and multifamily households?

18. Describe how the State will define household income for verification purposes (e.g., using prior year income).

19. For single-family households, describe what combination of methods will be used for claimants to be able to establish their household income for income qualifications. States may select the following options.

- ☐ Documentation of household income (for example, 1040)
☐ Documentation of enrollment in a pre-qualifying program

¹ Per statute, the measured energy saving of the home or portfolio of homes must achieve 15% savings, but the calculation of the rebate is based on a 20% reduction of average energy use of a home in the state.

- ☐ Self-attestation of either income level of enrollment in pre-qualifying program

20. For multifamily buildings, describe what combination of methods will be used to verify that at least 50% of dwelling units consist of households with incomes less than 80% AMI.

- ☐ Defer response to State Implementation Blueprint.

21. Please confirm the following:

- Claimant will be required to note the number of individuals who occupy the dwelling unit.

- ☐ Yes, the State confirms the above statement.

- Claimant will be required to sign an affidavit attesting to the validity of all information provided (e.g., enrollment documents, household income, number of full-time occupants) irrespective of the method of income qualification (e.g., categorical eligibility, self-attestation).

- ☐ Yes, the State confirms the above statement.

- State's intake system for users to provide income information will display the 80% AMI value for that household's ZIP code and household size to assist the household in comparing its income with those levels prior to signing statements regarding their income.

- ☐ Yes, the State confirms the above statement.

22. Describe how the 80% AMI levels for each location will be kept up-to-date (use DOE-provided API, other) and linked to DOE systems. Confirm that these levels will correspond to (a) the address of the home at which rebates will be applied and (b) the applicable number of household occupants.

- ☐ Defer response to State Implementation Blueprint.

23. Confirm that the State will:

- Review information provided to support income eligibility for all applicants applying for higher income-based rebate levels.

- ☐ Yes, the State confirms the above statement.

- Take steps to verify income eligibility for at least 50% of those applications that use self-attestation to support income eligibility (e.g., confirm enrollment in at least one

program that the applicant asserted enrollment in; confirm household income via IVES or other methods as applicable).

☐ Yes, the State confirms the above statement.

- After 6 months and not longer than 1 year after program launch, report to DOE the percentage and number of applicants that received rebates but were subsequently found to not meet eligibility requirements.

☐ Yes, the State confirms the above statement.

- Work with the state's DOE project officer to institute additional safeguards or determine if a lesser level of review for applicants using self-attestation is justified depending on the percentage/number of rebates issued without meeting eligibility requirements.

☐ Yes, the State confirms the above statement.

If applicable, propose the types of information that the State will provide to DOE to warrant reducing this requirement (e.g., allowing implementers to verify income of a subset of claimants through random sampling).

☐ N/A. The State will not reduce this requirement.

24. Provide additional information as needed to demonstrate that the proposed approaches for income verification will address all types of households; not create undue burden for claimants; and include safeguards to minimize error and abuse in the process of verifying income.

25. Describe how the State will verify (confirm legitimacy) of income information for all claimants (e.g., verification within 2 days through IRS, cross-check with enrollment databases of approved programs, calls to employers). If applicable, propose the types of information that the State will provide to DOE to warrant reducing this requirement (e.g., allowing implementers to verify income of a subset of claimants through random sampling).

☐ N/A. The State will not reduce this requirement.

☐ Defer response to State Implementation Blueprint.

26. Describe how the State will resolve instances when rebates are provided to those who have falsified their incomes.

☐ Defer response to State Implementation Blueprint.

27. If proposing to allow self-attestation as a means for initial income qualification, provide a detailed description of how and when this approach will be used. Include statements, language, and detailed information regarding follow-up steps that will be used for this process. Additional topics to address include:

- Describe how those applying for rebates will be warned of potential liability associated with falsifying information.
- Explain how signed statements of self-attestation will be securely stored.
- Identify what level of falsified attestations will signal that the system needs to shut down either permanently or be restarted only after sufficient improvements are made.

- ☐ Defer response to State Implementation Blueprint.
- ☐ N/A. The State has chosen not to allow self-attestation.

28. Describe how the State program will verify applicant information provided to substantiate income eligibility, including systems that will be used to verify, where applicable, that at least one member of a household has been enrolled in a program included within the [Federal Programs Approved for Categorical Eligibility](#) document or other state-proposed approved by DOE within the prior 12 months.

- ☐ Defer response to State Implementation Blueprint.

29. If applicable, identify the Federal or other programs by which the State plans to allow categorical eligibility.

- ☐ N/A. The State will not propose additional Federal or other programs to be considered for categorical eligibility.

30. If applicable, propose any additional Federal or other programs to be considered for categorical eligibility. For any programs not already approved, describe how the program's eligibility aligns with the Section 50121 income requirements.

- ☐ N/A. The State will not propose additional Federal or other programs to be considered for categorical eligibility.
- ☐ Defer response to State Implementation Blueprint.

31. Identify whether the State requests authorization to allow use of categorical eligibility determinations based on program participation outside of a one-year period (e.g., proof of enrollment within the past 12 months).

- ☐ Yes, the State requests authorization to allow use of categorical eligibility determinations based on program participation outside of a one-year period.
- ☐ N/A. The State does not request authorization to allow use of categorical eligibility determinations based on program participation outside of a one-year period.

If yes, explain the State's proposal and describe the rationale.

- ☐ Defer response to State Implementation Blueprint.

32. Identify whether the State requests authorization to allow categorical eligibility for a program in a way that is not consistent with the "level of categorical eligibility" listed in the document [Federal Programs Approved for Categorical Eligibility](#). For each deviation requested, propose, and provide documentation to justify the requested change. Documentation must demonstrate that the State imposes income requirements equivalent to or less than 80% AMI.

- ☐ Defer response to State Implementation Blueprint.
- ☐ N/A. The state will not allow categorical eligibility for a program in a way that is not consistent with the "level of categorical eligibility" listed in the document [Federal Programs Approved for Categorical Eligibility](#).

33. Provide a brief description of the procedures and penalties the State will provide to ensure that renters are not subject to unjustified rent increases.

34. Explain how the State will identify eligible contractors or aggregators and what tools will be used to pay the \$200 disadvantaged community incentive.

- ☐ Defer response to State Implementation Blueprint.

Section 3.1.4: Community Benefits Plan

35. Describe how the State program will define a disadvantaged community.

If not using the default disadvantaged community definition (low-income households located in a disadvantaged community identified by the CEJST), a State must explain how the proposed definition will meet the following three criteria as described in DOE J40 implementation guidance²:

- The communities of concern identified by the State tool or definition must conform to the definition of communities established in U.S. Office of Management and Budget (OMB) guidance:
 - a group of individuals living in geographic proximity to one another that experiences common conditions.
 - a geographically dispersed set of individuals (such as migrant workers or Native Americans) that experiences common conditions.
- The State tool or definition must consider two or more of the following indicators when identifying communities that should be classified as disadvantaged for the purposes of directing Federal investments under Justice40:
 - Low income, high and/or persistent poverty
 - High unemployment and underemployment
 - Racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities
 - Linguistic isolation
 - High housing cost burden and substandard housing
 - Distressed neighborhoods
 - High transportation cost burden and/or low transportation access
 - Disproportionate environmental stressor burden and high cumulative impacts
 - Limited water and sanitation access and affordability
 - Disproportionate impacts from climate change
 - High energy cost burden and low energy access
 - Jobs lost through the energy transition
 - Access to healthcare
- The communities of concern identified by the State tool or definition must be currently mapped in software or must be easily overlaid in GIS so that communities can be easily identified by stakeholders.

Section 3.1.5: Processing and Delivering Rebate Funds to Eligible Rebate Recipients

36. Describe what types of systems will be put into place to allow effective processing of rebates.

- ☐ Defer response to State Implementation Blueprint.

² See pages 8-9 of <https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf> for more details.

37. Describe how the State will ensure processing of rebates within required timeframes (e.g., through a processing company, through program implementers, or other entities or methods). Include information on corrective actions that the State will implement in the event of lengthier processing times.

☐ Defer response to State Implementation Blueprint.

38. Describe how the proposed processing system will be integrated with a system for processing rebates under Section 50122. Note if the State plans to use separate systems.

☐ Defer response to State Implementation Blueprint.

39. If the State does NOT intend to use a federally provided web-based tool to determine whether a home is in a disadvantaged community, confirm that the State will provide the ZIP codes with all disadvantaged communities as defined by the State to the DOE system.

☐ Yes, the State confirms the above statement.

☐ N/A. The State will use a DOE-provided web-based tool to determine whether a home is in a disadvantaged community.

40. Confirm that the State system will link to DOE-provided systems via Application Programming Interface (API).

☐ Yes, the State confirms the above statement.

Section 3.1.6: Data Collection and Evaluation

41. Confirm that the State will submit a Privacy and Security Risk Assessment in the State Implementation Blueprint.

☐ Yes, the State confirms the above statement and will include it with this narrative document.

☒ Yes, the State confirms the above statement but defers a response to State Implementation Blueprint.

42. Explain how data will be protected, specifically addressing security measures and privacy measures.

☐ Defer response to State Implementation Blueprint.

43. Provide documentation of the processes to monitor, identify, and address security and privacy threats.

☐ Defer response to State Implementation Blueprint.

44. Confirm that the State will require billing data release and describe how the State will gain access to billing data for program requirements and program evaluation.

☐ Yes, the State confirms the above statement.

☐ Defer response to State Implementation Blueprint.

45. Confirm that the State will collect the required data and cooperate in program evaluation processes as listed in section 3.1.6.3.

☐ Yes, the State confirms the above statement.

46. Confirm if the State is planning to conduct its own evaluation, and if so, what type(s) of evaluations.

☐ Yes, the State is planning to conduct its own evaluation. (Describe types of evaluations).

If yes, confirm that the State will:

- Cooperate with DOE to meet all the requirements listed in section 3.1.6.3.

☐ Yes, the State confirms the above statement.

- Submit an evaluation plan for DOE review within three months of program launch.

☐ Yes, the State confirms the above statement.

- Provide results to DOE.

☐ Yes, the State confirms the above statement.

☐ N/A. The State does not plan to conduct its own evaluation.

47. If the State plans to conduct evaluations on its programs, describe the evaluation objectives, high level work plan, and timing of the evaluations and whether the State would request to be excluded from DOE-led evaluations.

- ☐ Defer response to State Implementation Blueprint.
☐ N/A. The State does not plan to conduct its own evaluation.

Consumer Experience

Section 3.2.1: Outreach and Education Strategy

48. Confirm that the State will develop and submit an outreach and education strategy consistent with section 3.2.1

- ☐ Yes, the State confirms the above statement and will include it with this narrative document.
☐ Yes, the State confirms the above statement but defers a response to State Implementation Blueprint.

Section 3.2.2: Home Assessments

49. Describe the processes and procedures for conducting home assessments that meet program requirements.

- ☐ Defer response to State Implementation Blueprint.

50. Describe how home assessment data and results will be verified for accuracy.

- ☐ Defer response to State Implementation Blueprint.

51. Describe what processes will be put in place for home assessments for multifamily buildings, including for energy used by common areas.

- ☐ Defer response to State Implementation Blueprint.

Section 3.2.3: Access to Residential Utility Data

52. Confirm that the state will develop and submit a Utility Data Access Plan consistent with the program requirements in Section 3.2.3.

- ☐ Yes, the State confirms the above statement and will include the plan with this narrative document.
- ☐ Yes, the State confirms the above statement but defers a response to State Implementation Blueprint.

Section 3.2.4: Project-Specific Energy Savings Calculations

53. Confirm if the State will implement the modeled path, measured path, or both.

- ☐ The State will implement the Modeled program path.
- ☐ The State will implement the Measured program path.
- ☐ The State will implement both the Modeled and Measured program paths.

Section 3.2.4.1: Calculating Modeled Energy Savings

54. Describe the energy savings objectives and overall approach for estimating energy savings for the modeled program path.

- ☐ N/A. The State is not implementing the modeled program path.

55. Identify what factors the State will use to calculate kWh equivalent, consistent with section 3.2.4.1.

- ☐ Defer response to State Implementation Blueprint.
- ☐ N/A. The State is not implementing the modeled program path.

56. Describe which upgrades may be included in the modeled savings estimate, including at least one major upgrade as defined in section 2.1, including a brief description of if the state will or will not require the installation of envelope prior to other upgrades.

- ☐ Defer response to State Implementation Blueprint.
- ☐ N/A. The State is not implementing the modeled program path.

57. Identify which modeling tools the State proposes to authorize for its program. Identify whether any proposed tools have not yet received DOE approval.

- ☐ Defer response to State Implementation Blueprint.
☐ N/A. The State is not implementing the modeled program path.

58. Describe how the State will monitor the energy savings reliability of models and tools for the modeled program path.

- ☐ Defer response to State Implementation Blueprint.
☐ N/A. The State is not implementing the modeled program path.

59. If the State plans to allow modeling for homes for which BPI-2400 is not applicable or that are not eligible for BPI-2400, request alternative modeled path(s) by:

- Detailing for which exceptions the State plans to apply the alternative approach (e.g., multifamily, lack of delivered fuel bills, etc.).
- Providing a detailed description of the method(s) that the State will use to estimate energy savings for each exception and how the State will ensure consistency between the alternative method and the results of BPI-2400 such as a realization rate adjustment to be used in reported savings estimates.
- Commit to carrying out evaluations upon thresholds listed in section 3.2.3.1.
- Describe how the State will use any evaluation results or new information to update and adjust its alternate savings modeling method.

- ☐ Defer response to State Implementation Blueprint.
☐ N/A. The State will not allow modeling for homes for which BPI-2400 is not applicable or that are not eligible for BPI-2400.

60. For multifamily, describe the methods used for modeling energy savings for multifamily buildings, including energy used in common areas.

- ☐ Defer response to State Implementation Blueprint.
☐ N/A. The State is not implementing the modeled program path.

Section 3.2.4.2: Calculating Measured Energy Savings

61. Describe the energy savings objectives and overall approach for estimating and measuring energy savings at the home and if applicable, portfolio of homes.

☐ N/A. The State is not implementing the measured program path.

62. Identify what factors the State will use to calculate kWh equivalent, consistent with section 3.2.4.1.

☐ Defer response to State Implementation Blueprint.

☐ N/A. The State is not implementing the measured program path.

63. List the open-source advanced M&V software(s) the State requests to use and confirm that each meets program requirements.

☐ Defer response to State Implementation Blueprint.

☐ N/A. The State is not implementing the measured program path.

64. Describe how the State will monitor and ensure that aggregator portfolios meet the program requirements and minimum savings thresholds for the measured program path.

☐ Defer response to State Implementation Blueprint.

☐ N/A. The State is not implementing the measured program path.

65. If measuring energy savings within a period of less than 12 months, describe how the State will define and enforce the inclusion of peak seasons.

☐ Defer response to State Implementation Blueprint.

☐ N/A. The State will measure energy savings over at least 1 year or the State is not using the measured savings approach.

66. Describe the State's processes for measuring savings for multifamily buildings, including for energy used by common areas.

☐ Defer response to State Implementation Blueprint.

☐ N/A. The State is not implementing the measured program path.

Section 3.2.5: Consumer Protection through Quality Assurance

67. Certify that the State will prepare and implement a Consumer Protection Plan in accordance with the requirements (Section 3.2.5) and that the State rebate program will not launch until receiving DOE approval.

☐ Yes, the State confirms the above statement.

Section 3.2.6: Post-Installation Certificate

68. Describe how each of the certification requirements (Section 3.2.5) will be met for single-family homes.

☒ Defer response to State Implementation Blueprint.

69. Describe how each of the certification requirements (Section 3.2.5) will be met for multifamily buildings.

☐ Defer response to State Implementation Blueprint.

70. Identify which third-party certificate(s) the State program will offer to homeowners that receive a rebated home energy upgrade.

☐ Defer response to State Implementation Blueprint.

Maximizing Rebate Impact

Section 3.3.1: Supporting the Clean Energy Economy Through Market Transformation

71. Certify that the State will develop and implement a Market Transformation Plan within the first year after receiving the financial assistance award.

☐ Yes, the State confirms the above statement and will provide the plan with this narrative document.

Section 3.3.2: Integrating with Other Programs

72. Identify whether the State plans to take proactive steps to encourage integration with other programs. If so, identify with which programs the State will actively seek to integrate. The State may include letters of support or other indicators of commitment from existing program partners. Applications should identify whether programs will be integrated in any or the following areas:

- Integration into existing program administration, website, materials.
- Adoption of existing program standards, QA, workforce standards, or other practices.
- Braiding or co-funding of upgrades within individual households.
- Other integration elements, as applicable.

☐ N/A. The State does not plan to integrate the rebates into any existing programs.

73. Describe how the State program will support households, contractors, aggregators, and other stakeholders in understanding how the State program may leverage other program resources.

☐ Defer response to State Implementation Blueprint.

74. Describe the method(s) the State will use to ensure the total combination of all immediate upfront funding sources (Federal grants, Federal loans, and non-Federal funding) provided to a project does not exceed the total project cost.

☐ Defer response to State Implementation Blueprint.

75. Describe how the State program will support contractors and retailers in preparing acceptable invoices that may be kept as program records.

☐ Defer response to State Implementation Blueprint.

76. Describe how the State implementer(s) will produce invoice documentation in a timely manner upon request in the event of an audit by DOE, the DOE's Inspector General, a State's inspector general, or another entity.

☐ Defer response to State Implementation Blueprint.

77. Describe how the State will ensure rebate recipients will be made aware of the portion of the funding received from the DOE Home Efficiency Rebates.

☐ Defer response to State Implementation Blueprint.

Section 3.3.3: Quick Starts

78. Identify whether the application is for a Quick Start program. For Quick Start programs, identify the timeline for program launch.

☐ Yes, this is for a Quick Start Program (provide timeline below).

☐ No, this is not for a Quick Start Program.

Home Electrification and Appliance Rebates State Programs (50122)

Use of Funds and Rebate Eligibility

Section 4.1.1 Use of Funds

1. Please provide the types of allowable costs the State proposes within each category of administrative funds and rebate funds within those categories.

Note: These responses should correspond with the Standard Form 424, Standard Form 424A, and Budget Justification Workbook.

California's program implementation is managed by primary 50122 recipient, the California Energy Commission, and is split into two phases:

Phase I: **approximately** \$100,000,000

"Sprint" statewide deployment focused on low income, single-family, high-impact electrification through air source heat pumps deployments and acceleration of electrification for affordable and LMI multifamily homes. The program will be administered via CEC personnel working with primary contractor Cohen Ventures, Inc., DBA Energy Solutions.

Phase II: **approximately** \$190,252,580

Phase II will support the broader range of measures and emphasis on low-income single-family success required in the 50122 Home Electrification and Appliance Rebates, referred to as HEEHRA for California. Details for Phase II are still being developed and will be submitted at a later date under separate application.

**Full Budget Estimates for both Phase I and II:
\$290,252,580 CA Allocation**

(Note: Full Budget Estimate includes Early Admin Award of \$2,486,180)

20% Administration Costs: \$58,038,320.17

80% Rebate Reimbursement: \$232,214,259.83

Administration Details: 20% of Full Allocation

Total for Phase I and Phase II: \$58,038,320.17

Staff: CEC / California State program staff for Phase I and Phase II:

The State plans to hire nine full time staff members to work on the 50122 award for both Phase I and Phase II: TOTAL \$11,430,227.80

Personnel (compensation): \$6,883,922.26

Fringe (direct benefits per employee @ 46% estimate): \$3,090,093.36

Travel: \$52,500

Equipment: \$0

Supplies: \$0

Indirect (14% per new NICRA May 2024): \$1,403,712.18

Contractual and/or Subrecipient:

Phase I Contractual Administration: \$16,685,000

Separate from and in addition to the CEC/California State Program Staff Budget, the TECH Clean California (TECH) Program, and prime contractor Cohen Ventures, Inc., DBA Energy Solutions, will coordinate with the CEC on all program documentation, help complete all necessary Program plans, oversee subcontractors, manage day to day operations and integration requirements for the program, provide monthly progress reports, invoices, delivery schedules, and a final report.

Phase II Contractual and/or Subrecipient Administration: \$29,923,092.38

(Phase II Estimate, to be detailed with Phase II application and start in

Tranche 2)

Rebate Reimbursement: 80% of Allocation

Total Phase I and Phase II: \$232,214,259.83

Phase I Rebates Reimbursement for allowable products, spanning Tranches 1 and 2: \$80,000,000

Phase II Rebates Reimbursement for allowable products: \$152,214,259.83
 Phase II implementation begins in Tranche 2 and will address any additional requirements for the 50122 grant.

- a. The total amount of estimated administrative funds to be expended annually.
 Annual Administrative Funds budgeted across both Phase I and Phase II are an estimated total of \$58,038,320.18 spanning 8 years, as recommended by DOE, and for full California 50122 allocation.

\$7,254,790.02

- b. The total amount of estimated project-related costs as a portion of the rebate funds to be expended annually.

\$0

No project related costs per DOE May 2024

2. If requesting additional rebate funds for project-related activities, describe and justify each activity and associated budget in the budget justification worksheet.

| |
|--|
| |
| |

Section 4.1.2 Rebate Conditions and Levels

3. Describe how the State will manage and ensure that rebate minimums and administrative maximums are adhered to over the duration of the program.

Phase I: Rebate minimums and rebate caps will be programmed into the Energy Solutions online application system, Iris, that will only provide rebates for eligible equipment at proposed rebate amounts. Rebate minimums will be reviewed during the application approval process, and also inspected when invoices are submitted to the CEC. Only Trade Professionals, such as contractors or their designated eligible entities, that have signed Trade Professional Participation Agreements will be given access to the Iris Platform to submit applications (also referred to as claims). The Trade Professionals (also referred to as Participants) will receive the rebate payments, which will be passed onto customers at the point of sale.

All customers (eligible entities) will go through income verification as discussed in Question 30. The income brackets will be provided in the online application system, Iris, and data submitted in the application will be verified against data provided through the low-income verification tool to ensure that customers receive the rebate amounts accorded to them.

In Phase I, California through Energy Solutions is not offering all measures at the maximum allowable costs. For Phase I, the maximum rebate a customer can receive is \$8,000 for a single-family dwelling and \$8,930 for a multifamily dwelling, if the eligible customer chooses to do all measures at the maximum rebate/incentive amounts. The online application system flags applications that are suspected to either represent similar addresses or similar serial numbers to ensure that a household does not receive more than one rebate for the same measure, and therefore exceed total rebates. The online application system will have automated processes in place to ensure that the \$14,000 cap is not exceeded. California through Energy Solutions will offer single family rebates for heating, ventilation, and air conditioning (HVAC) heat pumps only, resulting in a maximum of \$8,000. California through Energy Solutions will offer multifamily rebates for HVAC heat pumps, heat pump water heaters, and electrical upgrades, resulting in a maximum rebate of \$8,930. The online application process will limit participants to receiving the maximum rebate and will prevent duplicates. Because the maximum rebate is \$8,000 and \$8,930 for single family and multifamily dwellings, respectively, the \$14,000 cap will not be reached with measures offered.

For administrative limits, the CEC will closely track and report spending both within this category as well as funds that are provided as rebates and as rebate/incentives to contractors. The CEC will also follow Generally Accepted Accounting Principles (GAAP) and conduct audits every 2-3 years.

Phase II implementation will address any additional requirements for the 50122 grant.

4. Describe how the State will monitor contractor costs and ensure that costs are not artificially inflated compared with market averages.

Phase I: As the Program Implementer for TECH Clean California, Energy Solutions requires the total project cost to be listed with pre-rebate pricing with the rebates noted where they apply on a line-item basis. The contractor will be required to submit itemized invoices with labor and equipment/materials costs broken out. If contractor's invoicing systems cannot be configured to provide this information, the program will provide a template where contractors can provide costs broken down by applicable categories. The Program team will provide training to contractors how to categorize costs and will ensure that the template provides details on allowable costs. For single family units, TECH will ensure that costs are broken down

separately for the HP HVAC QEP and any other products installed as part of the project (only HP HVAC will be incentivized for single-family homes). For multifamily buildings, final invoices will need to apply specific rebates against each QEP that is installed. The rebate paid will not be able to exceed to total price of the QEP. At Program launch, all invoices will be reviewed to ensure pricing information is correctly entered. If application volume becomes unmanageable to meet the 4-week payment timing, the TECH program has also developed a sampling procedure that can be leveraged in periods of high claim volume to ensure that submission to payment timelines remain within allowable bounds. This procedure ensures that applications from all new contractors are reviewed, but only a percent of applications from contractors that consistently provide information in the correct format will be reviewed.

Furthermore, the customer participation agreement makes clear that the entire rebate must be passed off to the customer, creating clear transparency into what the market price is.

TECH monitors market costs for heat pumps and other technologies on an ongoing basis and publishes project cost in a public online portal at <https://techcleanca.com/public-data/data-visualizations/>, enabling customers and other stakeholders to compare project cost data and get multiple quotes from qualified contractors. Energy Solutions will analyze program data on an ongoing basis to look for anomalies. Depending on the identified trends the Program may take several actions including but not limited to ramping up efforts to promote online tools and the public reporting website data, following up with individual contractors where pricing is higher than average, or adding additional program rules or information on customer agreements.

Phase II implementation will address any additional requirements for the 50122 grant.

5. Identify the maximum rebate amounts that will be offered to eligible entities and eligible entity representatives if lower than the allowed amounts.

Below are the maximum rebate amounts and maximum percentage of costs that the State will apply during Phase I. Phase II will incorporate full Statutory Limits/Rebates:

Single-Family

| Qualified Product | Statutory Limit/Rebate Amount not to Exceed | State Proposed Limit Single-Family | Reasoning |
|-------------------|---------------------------------------------|------------------------------------|-----------|
| | | | |

| | | | |
|-----------------------------------------------------------------|----------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Heat Pump Water Heater (<55 Gallons) | \$1,750 | \$0 | Current California Programs provides current incentives for HPWHs for equity communities in excess of \$5,800 |
| Heat Pump Water Heater (>=55 Gallons) | \$1,750 | \$0 | |
| Heat Pump for Space Heating or Cooling (HP HVAC) (<80% AMI) | \$8,000 | \$8,000 | The Program will maximize incentives offered to Low Income customers for HVAC. |
| Heat Pump for Space Heating or Cooling (HP HVAC) (80%-150% AMI) | \$8,000 | \$4,000 | The Program would like to encourage more participation for Low Income Customers, but still finds value in incentives for medium income customers. Based on previous TECH participation, \$4,000 should still encourage high participation at this income level. |
| Electric Stove, Cooktop, Range, or Oven | \$840 | \$0 | PHASE I: TECH does not offer these measures for Single-Family. These may be a part of Phase II. |
| Heat Pump Clothes Dryer | \$840 | \$0 | |
| Electric Load Service Center | \$4,000 | \$0 | |
| Electric Wiring | \$2,500 | \$0 | |
| Weatherization (Insulation, Air Sealing, and Ventilation) | \$1,600 | \$0 | |
| Maximum Rebate | \$14,000 | \$8,000 | |
| Multifamily | | | |

| Qualified Product | Statutory Limit/Rebate Amount not to Exceed | State Proposed Limit Multifamily | Reasoning |
|-----------------------------------------------------------------|---------------------------------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Heat Pump Water Heater (<55 Gallons) | \$1,750 | \$1,400 | TECH aims to match previously released TECH incentives wherever possible. High demand gives us assurances these rebates will be enough to commit a high volume of projects. Please see <u>previous TECH incentive levels</u> in Appendix. *Central HPWHs are not listed on Energy Star and therefore won't be offered until Energy Star units are available. |
| Heat Pump Water Heater (>=55 Gallons) | \$1,750 | \$1,750 | |
| Central HPWH (<15 Gallons per bedroom)* | \$1,750 | \$1,200 | |
| (>=15 Gallons per bedroom)* | \$1,750 | \$1,750 | |
| Heat Pump for Space Heating or Cooling (HP HVAC) | \$8,000 | \$1,000 | TECH aims to match <u>previously released TECH incentives</u> wherever possible. High demand gives us assurances these rebates will be enough to commit a high volume of projects. Please see previous TECH incentive levels in Appendix. |
| Variable Speed Heat Pump for Space Heating or Cooling (HP HVAC) | \$8,000 | \$1,500 | |
| Electric Stove, Cooktop, Range, or Oven | \$840 | \$840 | And/or appliances not to exceed \$840 per qualified unit. New measure for TECH that will maximize fully electrified homes. |
| Heat Pump Clothes Dryer | \$840 | \$840 | |

| | | | |
|-----------------------------------------------------------|----------|---------|----------------------------------------------------------------------------------------------------------------------------|
| Electric Load Service Center | \$4,000 | \$3,000 | Average costs can be lower than total proposed amounts in many cases. Projects will be analyzed for the need for upgrades. |
| Electric Wiring | \$2,500 | \$1,000 | |
| Weatherization (Insulation, Air Sealing, and Ventilation) | \$1,600 | \$0 | PHASE I: TECH does not offer these measures. These may be a part of Phase II. |
| Maximum Rebate | \$14,000 | \$8,930 | |

See Question 11 for more information on single-family vs. multifamily designations for incentive levels.

Phase I estimated rebates broken out by home type and number of rebates:

| | | |
|---------------------------------------------------------------------------------------------|--------------|-------------------------------------|
| Single-Family | | |
| Heat Pump for Space Heating or Cooling (HP HVAC) (<80% AMI) | \$23,432,000 | 2,929 rebates of \$8,000 each |
| Installation Incentive for single-family, low-income Heat Pump for space Heating or Cooling | \$585,800 | 2,929 installer incentives of \$200 |
| Heat Pump for Space Heating or Cooling (HP HVAC) (80%-150% AMI) | \$21,000,000 | 5,250 rebates of \$4,000 each |
| Multifamily | | |
| Heat Pump for Space Heating or Cooling (HP HVAC) | \$1,995,000 | 1,995 rebate of \$1,000 each |
| Variable Speed Heat Pump for Space Heating or Cooling (HP HVAC) | \$5,997,000 | 3,998 rebate of \$1,500 each |
| Heat Pump Water Heater (Electric to Electric) | \$350,000 | 500 rebate of \$700 each |
| Heat Pump Water Heater (<55 Gallons) | \$4,893,000 | 3,495 rebate of \$1,400 each |
| Heat Pump Water Heater (>=55 Gallons) | \$3,570,000 | 2,040 rebate of \$1,750 each |
| Central HPWH (<15 Gallons per bedroom) * | \$1,800,000 | 1,500 rebate of \$1,200 each |
| (>=15 Gallons per bedroom) * | \$2,275,000 | 1,300 rebate of \$1,750 each |
| Electric Load Service Center | \$5,994,000 | 1,998 rebate of \$3,000 each |
| Electric Wiring | \$6,298,000 | 6,298 rebate of \$1,000 each |
| Electric Stove, Cooktop, Range, or Oven | \$1,628,760 | 1,939 rebate of \$840 each |
| Heat Pump Clothes Dryer | \$181,440 | 216 rebate of \$840 each |

Phase II implementation will address any additional requirements for the 50122 grant.

6. Identify the maximum allowable project costs for determining project cost rebate levels.

Per the Program Requirements & Application Instructions, the State will follow the maximum project costs allowed by the federal law. This includes costs associated with purchase and installations of the qualified electrification project.

| Building Type | Income Level | Rebate Amount Not to Exceed |
|---------------|---------------------------------------------------------|---------------------------------|
| Single-Family | Less than 80% Area Median Income (AMI) | 100% of qualified project costs |
| | 80-150% AMI | 50% of qualified projects |
| Multifamily | At least 50% of residents with income less than 80% AMI | 100% of qualified project costs |
| | At least 50% of residents with income of 80-150% AMI | 50% of qualified projects |

7. Describe the documentation requirements related to project costs from eligible entities and eligible entity representatives.

As shown here (<https://frontierenergy-tech.my.site.com/contractorsupport/s/article/Contractor-Invoice-Customer-Agreement>), Phase I TECH currently requires the following be listed on the invoice:

- Site address
- Equipment information, including manufacturer and model number of installed equipment.
- Total cost pre-rebate (Labor and material combined)
- TECH incentive amount
- TECH incentive must be listed as a line item on the invoice either directly reducing the cost (recommended) or specified to be supplied to the customer after being received by a participating contractor.

For the HEEHRA Program Phase I implementation, we will also require contractors to provide separate pricing information for each upgrade or QEP component as a separate line item on the invoice of the home energy upgrade package with subdivided labor costs associated with each line item. In the case that the contractors invoicing platform cannot be updated to provide this breakdown, the program will provide a template where contractors will be able to provide this information and submit it as part of the program details. This will allow the program to ensure that only eligible project costs are covered, and the total rebate does not exceed eligible project costs.

Projects funded through the HEEHRA Program will not be eligible for funding from other federal sources.

For both single-family and multifamily Projects, Contractors will submit a digital copy of their invoice through the incentive claim process through Iris, TECH's online application platform. Contractors will upload a copy of their invoice on the claim, and they will also manually enter in the total projects costs as well as total incentives, including applicable Installer Incentive if any, or rebates they are receiving from other projects not supported in Iris, such as TECH. Iris will automatically apply any project capping requirements to the calculated incentive based on the measure installed. More information on Iris is also provided in question 21.

Phase II implementation will address any additional requirements for the 50122 grant.

8. List the installation incentives the State will provide eligible entity representatives for each eligible product or service up to \$500 (in total).

During Phase I, California will provide Installer Incentives of \$200 for installation of eligible heat pump equipment (ducted or unducted) for low-income, single-family QEPs as part of the TECH HEEHRA Phase I implementation. Balance of measures will have \$0 Installer Incentive in HEEHRA Phase I.

Phase II implementation will address any additional requirements for the 50122 grant.

9. Describe the approach for ensuring that eligible entities will not receive Federal rebates or grants for the same QEP.

In Phase I, the CEC will make it clear in program rules that eligible entities cannot receive additional rebates and grants for the QEPs installed in the program. The information reported by homeowners on other Federal Rebates will be manually documented until automated systems are

developed by the DOE (PNNL) or other Federal programs, such as Weatherization Assistance Program (WAP), to enable automated tracking of Federal programs by house address. As more automated federal systems for cross-checking Federal rebates or grants for the same QEP are developed by the DOE (PNNL) or other Federal programs, to enable tracking by house address, the CEC and its primary contractor Energy Solutions for Phase I will determine which API interface is most effective in reporting program data. Once an API interface is selected, potentially not until Phase II, the CEC will facilitate a data exchange between federally implemented programs in order to ensure that implementers can check for overlap in participation during the reservation phase of the application. If there is overlap then the system will notify all homeowners or building owners, and others if applicable (e.g., contractor), that the rebate cannot be combined with other federal grants and rebates, but the household may still be eligible for a federal tax credit per Internal Revenue Service (IRS) guidelines.

Phase II implementation will address any additional requirements for the 50122 grant.

10. Confirm that the State will provide information via API or DOE-provided spreadsheet to the DOE central database to ensure that rebates limited to a single or a combination of products are tracked and managed, and no duplicate rebates are awarded.

- ☐ State will provide information via API.
☒ State will provide information via a DOE-provided spreadsheet.

11. Describe how the State will approach providing rebates to multifamily building owners and qualified households who live in multifamily units.

- ☐ Defer response to State Implementation Blueprint.

Phase I: For the purposes of the incentive levels California requests DOE approval to designate that multifamily houses are referred to as a building that has least 5 rental housing units. This would make the definition consistent with what is used for TECH. Properties with four or fewer units will still meet multifamily measure eligibility as describe in the Program rules (including the ability for the building owner to apply for rebates for a central HPWH), but income verification will be required for each tenant at the property receiving an upgrade (rather than only 50% of the households). This designation will allow apartment owners, and tenants or building owners for smaller multifamily units to receive the higher rebate amounts eligible for single-family, while also ensuring that all tenants receiving the benefit are low-income (rather than having one low-income tenant make two dwelling units eligible for an incentive).

TECH has released several tranches of funding for multifamily projects that building owners and contractors have followed closely. They understand the current multifamily designation, and the current designation of Equity Incentives used for the latest tranche of SGIP HPWH funding. The Program will plan to release a new tranche of multifamily funding using HEEHRA funds. Whenever possible this new tranche will currently mimic program rules that applicants are familiar with. We will align Program requirements with the current Equity Requirements released for the latest Tranche of funding. Therefore, multifamily projects will be eligible for 50122 rebates if they meet the following criteria:

- Building has least 5 rental housing units and meets one of the following criteria:
 - Located in an SB535 disadvantaged community (DAC) (classified as 80-150% AMI for reporting purposes); or
 - A property where at least 80% of the households have incomes at or below 80% of the area median income in accordance with the terms of their deed restriction (classified as <80% AMI for reporting purposes).
 - At least 66% of living units are <80% AMI. This information will be verified by one of the following documents (rent rolls, income documentation, evidence of Section 8, and/or proxy documentation of categorical eligibility (classified as <80% AMI for reporting purposes).

Phase II implementation will address any additional requirements for the 50122 grant.

12. Identify the date after which upgrade projects must be completed for the purposes of being eligible for a rebate under the State program.

☐ Defer response to State Implementation Blueprint.

Any project sold on or after the date of program launch will be deemed eligible for a rebate under the State program. For single-family projects, a "sold" job is defined as a job where the customer has entered into an installation contract with the installing contractor. Participants will be asked to provide an upload of the customer/contractor agreement, with date clearly noted, to ensure the job qualifies.

No Program funds or rebates will be paid out to contractors for individual jobs until the project has been completed and final claim has been submitted and approved.

For multifamily, a Home Assessment will be performed in one of two ways. 1) Contractors or building owners will perform their own home assessments at their

own cost prior to submitting a reservation for their project or 2) the Program will perform a Home Assessment for the building owner to help assist with project scoping and identifying the needed type of contractor (e.g., general contractor, HVAC contractor, or other) for their job. A Home Assessment for the Program will be classified as a project related cost.

Phase II implementation will address any additional requirements for the 50122 grant.

13. Describe how eligible rebate recipients will be informed of additional program funding available from non-Federal funds and grants.

☐ Defer response to State Implementation Blueprint.

The "Switch is On" (<https://switchison.org/>) website maintained for TECH in California includes a rebate finder, which allows customers or contractors to input a project site zip code to determine what incentives may be available for their project. The customer terms and conditions agreement will include a QR code that the customer can use to navigate directly to the site.

Phase II implementation will address any additional requirements for the 50122 grant.

Section 4.1.3 Low-Income Households

14. Identify the portion of the rebate funds the State will reserve for low-income and low-income multifamily households.

For the full award and across both Phases, California plans to allocate a minimum of \$94,411,568 of rebates to low-income households (i.e., households with less than 80% of AMI). This is consistent with the percentage of low-income households in the State, which is 40.7%. California plans to allocate a minimum of 10% of full allocation over both Phases or \$23,220,206 of rebates to low-income multifamily housing.

15. Provide a brief description of the procedures and penalties the State will provide to ensure that renters are not subject to unjustified rent increases.

☐ Defer response to State Implementation Blueprint.

Phase I: All applicable terms and conditions, including those on the reservation form and as part of the customer program agreement, will include stipulations that all applicable tenant laws must be followed. In the event the owner does not wish to comply by local laws, their reservation will not be accepted. In addition, if determined after rebate receipt that the owner violated any applicable laws, they must refund the rebate.

The Program will also incorporate the following 50122 requirements in the multifamily terms and agreement:

- o The owner agrees to rent the dwelling unit to a low-income tenant. This is a minimum requirement and affordability requirements should be commensurate with total rebate amount awarded.
- The owner agrees not to evict a tenant to obtain higher rent tenants based upon the improvements.
- The owner agrees not to increase the rent of any tenant of the building as a result of the energy improvements with exception of increases to recover actual increases in property taxes and/or specified operating expenses and maintenance costs.
- The owner agrees that if the property is sold within two years of receipt of the rebates, the aforementioned conditions apply to the new owner and must be part of the purchase agreement.
- In the event the owner does not comply, the owner must refund the rebate
- o Enforcement and penalties are clear and sufficient to act as a deterrent for owner violations and provide for damages and attorney's fees recoverable by tenants.

Phase II implementation will address any additional requirements for the 50122 grant.

16. Describe how the State program will define a disadvantaged community. If not using the default disadvantaged community definition of low-income households located in a disadvantaged community identified by the CEJST, a State must explain how the proposed definition will meet the following three criteria as described in DOE J40 implementation guidance³:
- The communities of concern identified by the State tool or definition must conform to the definition of communities established in U.S. Office of Management and (OMB) guidance:
 - o a group of individuals living in geographic proximity to one another that experiences common conditions.
 - o a geographically dispersed set of individuals (such as migrant workers or Native Americans) that experiences common conditions.
 - The State tool or definition must consider two or more of the following indicators when identifying communities that should be classified as disadvantaged for the purposes of directing Federal investments under Justice40:
 - o Low income, high and/or persistent poverty
 - o High unemployment and underemployment
 - o Racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities
 - o Linguistic isolation

³ See pages 8-9 of <https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf> for more details.

- High housing cost burden and substandard housing
- Distressed neighborhoods
- High transportation cost burden and/or low transportation access
- Disproportionate environmental stressor burden and high cumulative impacts
- Limited water and sanitation access and affordability
- Disproportionate impacts from climate change
- High energy cost burden and low energy access
- Jobs lost through the energy transition
- Access to healthcare
- The communities of concern identified by the State tool or definition must be currently mapped in software or must be easily overlaid in GIS so that communities can be easily identified by stakeholders.

Phase I: TECH uses the CalEnviroScreen 4.0 definition of a DAC, which is based on the Census tract in which a project occurred. In the TECH Working Dataset, each TECH project is labeled via the "Disadvantaged Community" column as either TRUE or FALSE. The California Environmental Protection Agency identifies Disadvantaged Communities through CalEnviroScreen, created by the Office of the Environmental Health Hazard Assessment (OEHHHA). CalEnviroScreen's census tract scoring methodology assesses cumulative impacts by multiplying the averages of two Pollution Burden components and two Population Characteristics component.

Each component has a set of indicators. The Pollution Burden component encompasses Exposures (indicators include ozone concentrations, PM2.5 concentration, children's lead risks from housing, diesel PM emissions, drinking water contaminants, pesticide use, toxic releases from facilities, and traffic density) and Environmental Effects (indicators include solid waste sites and facilities, groundwater threats, hazardous waste, impaired water bodies, and cleanup sites). The Population Characteristics component encompasses Exposures (indicators include asthma, cardiovascular disease, and low birth weight infants) and Socioeconomic Factors (indicators include educational attainment, housing burdened low income households, linguistic isolation, poverty, and unemployment). Visit the California Office of Environmental Health Hazard Assessment (OEHHHA)'s CalEnviroScreen page to learn more: <https://oehha.ca.gov/calenviroscreen>

After receiving public input at workshops and in written comments, in May 2022, CalEPA released its updated designation of disadvantages communities for the purpose of SB 535. In this designation, CalEPA formally designated four categories of geographic areas as disadvantaged:

- 1) Census tracts receiving the highest 25% of overall scores in CalEnviroScreen 4.0 (1,984 tracts).
- 2) Census tracts lacking overall scores in CalEnviroScreen 4.0 due to data gaps, but receiving the highest 5% of CalEnviroScreen 4.0 cumulative pollution burden scores (19 tracts).
- 3) Census tracts identified in the 2017 DAC designation as disadvantaged,

regardless of their scores in CalEnviroScreen 4.0 (307 tracts).

4) Lands under the control of federally recognized Tribes. For purposes of this designation, a Tribe may establish that a particular area of land is under its control even if not represented as such on CalEPA's DAC map and therefore should be considered a DAC by requesting a consultation with the CalEPA Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations at TribalAffairs@calepa.ca.gov.

The designation takes into account the latest and best available data and considers factors related to data unavailability.

TECH's current DAC definition is: "A census tract that scores in the top 25% of CalEnviroScreen 4.0, along with those that score within the highest 5% of CalEnviroScreen 4.0's Pollution Burden but do not receive an overall CalEnviroScreen score; all Tribal lands; low-income households; and low-income census tracts." <https://techcleanca.com/public-data/equity-budget-and-spending/>

Phase II implementation will address any additional requirements for the 50122 grant.

17. Identify the tool(s) the State will provide for eligible entity representatives to identify households that qualify for the installer incentive available for work in disadvantaged communities.

☐ Defer response to State Implementation Blueprint.

Phase I: California will provide installer incentives of \$200 for installation of eligible heat pump equipment (ducted or unducted) for low-income, single-family QEPs as part of the TECH HEEHRA Phase I implementation, including those within DACs communities. In addition, Energy Solutions will work to increase uptake in DAC through focused outreach efforts. The Program will have a specific DAC Delivery Plan as part of the implementers scope of work, which will explain how the implementer plans to increase uptake in DAC. These activities will include translation of marketing materials, outreach to CBO's and a broader list of other engagement strategies.

Phase II implementation will address any additional requirements for the 50122 grant.

18. Confirm that the State's intake system for users to provide income information will compare household income to 80% and 150% AMI values associated with that household's county and household size to determine rebate levels prior to signing statements regarding their income.

Phase I: Yes, the low-income verification tool used by the program will compare values household income to 80% and 150% AMI values associated with that household's county and household size to determine rebate levels prior to signing statements regarding their income.

Phase II implementation will address any additional requirements for the 50122 grant.

19. If the State does NOT intend to use a federally provided web-based tool to determine whether a home is in a disadvantaged community, confirm that the State will provide the ZIP codes or a preferred more granular geography (e.g., census tract) with all disadvantaged communities as defined by the State to the DOE system.

☒ Yes, the State confirms the above statement.

☐ N/A. The State will use a federally provided web-based tool to determine whether a home is in a disadvantaged community.

Section 4.1.4 Community Benefits Plan

20. Confirm that the State will develop and submit a Community Benefits Plan prior to program launch.

☒ Yes, the State confirms the above statement.

Section 4.1.5 Processing and Delivering Rebate Funds to Eligible Rebate Recipients

21. Describe what types of systems will be put into place to allow effective processing of rebates, including ensuring the ability to apply rebates at point of sale and/or as part of an invoice. And confirm that the system will link to federally provided systems via API.

☒ Yes, the system will link to federally provided systems via API.

☐ Defer response to State Implementation Blueprint.

Phase I; The State will ensure effective and efficient rebate processing by allowing contractors to submit rebate applications via the same rebate processing system, Iris, that is currently used for TECH Clean California. Iris is a proprietary rebate processing system that accepts contractor reservations and rebate claims, and which enables contractors to track payments and access information about product and program eligibility requirements. Iris is able to accept one claim that can be used to calculate incentive values for multiple programs. For example, a contractors applying for single-family incentives may submit one claim that will create two subclaims one for TECH's HP HVAC incentive and one for the 50122 HP HVAC rebate. Once the claim is submitted two different process flows will be applied to each subclaim for review, approval, payment, and reporting purposes. Within its claim submission and processing workflows, Iris includes multiple levels automated and manual quality control including options for customer eligibility and product validation and the ability to implement custom quality control checks.

To allow for effective processing of rebates, the State's implementers will configure the Iris system to collect all data needed for reservation and claim eligibility verification and will ensure that all desired DOE reporting outputs are present in or can be inferred from data collected in Iris. A minimum set of required fields, including but not limited to physical address information and equipment installed, will be collected from contractors upon claim submission. These fields will be validated automatically against appropriate data sets – for example, submitted equipment will be validated against ENERGY STAR qualified products lists and specifications – at the time of claim submission. Approved payments will undergo a series of additional checks prior to payment, and claims will be paid within an average of 20 days.

Claim details will be reported to DOE after the State's payments, and reported data will include all data required by DOE. For example, a complete address will be reported so that DOE's systems can generate the corresponding address ID. Real-time reporting options are available for urgent data requests, and the State will plan to submit claim and payment details to DOE on requested basis. While reservation details will not be reported to DOE prior to claim payment, the State's implementers will monitor submitted contractor reservations to ensure the budget is not exceeded. In phase 1, reports will be provided in through DOE-approved spreadsheets via a secure file transfer mechanism while the API undergoes security review.

The State intends to use DOE's API for reporting beginning in Phase II, after security review is complete.

22. Describe how the State will ensure processing of rebates within 4 weeks of receipt (e.g., through a processing company, through program implementers, or other entities or methods). Include information on corrective actions that the State will implement in the event of lengthier processing times.

☐ Defer response to State Implementation Blueprint.

Phase I: TECH is currently reviewing submitted rebate claims within 9 days of submission and paying out incentives within 20 days on average. While the program team will ensure claims are reviewed within the first 2-3 weeks of submission, the final payment timeline will depend upon contractor input and availability of project funds. Some claims may exceed a 4-week payment timeline if they are waiting for contractors to make necessary corrections. If payment timing starts to exceed 3 weeks, the TECH program will utilize a sampling procedure to expedite application review and payment timing. Sampling will reduce the total manual checks for applications, by allowing a

percent of application fields to be reviewed for contractors that have consistently submitted correct application in the past.

TECH will make every attempt to make prompt payment to contractors; however, the State payment system is outside of the CEC and conducted by the California State Controller's Office. California is evaluating an option to advance pay TECH so that incentive funds are available to contractors immediately after service. Any delay in available funds from DOE or CEC may inhibit the ability for TECH to reimburse/pay rebates to contractors within 4 weeks.

Phase II implementation will address any additional requirements for the 50122 grant.

23. Describe how the proposed processing system will be integrated with a system for processing rebates under Section 50121. Note if the State plans to use separate systems.

☐ Defer response to State Implementation Blueprint.

The CEC will have two separate processing systems and workflows for 50121 and 50122. The CEC will work with the implementers for both programs to ensure that reservations and applications for each program, and common data such as income verification, address, measures installed or reserved, are available to the other implementers so that the implementer can cross reference addresses and incorporate checks into their application verification procedures. This will provide a way for implementers of both systems to cross reference the addresses that were served by 50121 and 50122 to avoid applicants receiving both rebates for the same qualified measure.

In Phase I, the CEC plans to leverage the DOE's PNNL system when live to track 50121 and 50122 home and homeowner details. Until the PNNL tool system is fully released, CA will work with its implementation/administration contractors and/or subrecipients to manually verify between its 50121 and 50122 details. CA understands it bears the responsibility to ensure the correct outcome in administering rebates for eligible Californians.

Phase I: Rebate processing for DOE will leverage the pre-existing Iris system, the rebate processing system currently used for TECH Clean California. Iris will "stack" TECH and federal rebates to streamline contractor and customer access to equipment and efficiency benefits. Once a contractor makes a sale, the Iris workflow is as follows:

1. Contractor submits an initial “pre-approval” claim to Iris to reserve a HEEHRA rebate. This claim contains enough information to allow for the reservation of funds but will not contain all information required for claim processing and payment.
2. Contractor receives confirmation via Iris that their funding is reserved, in the form of a unique pre-approval code to be entered on a claim when the project is completed and submitted for payment. The contractor can access this code via Iris at any time.
3. Once the sale and installation are complete, contractor submits a single claim to Iris containing complete project information along with their preapproval code.
4. The submitted claim is updated with “stacked” TECH and HEEHRA rebates. If the claim is ineligible for a HEEHRA rebate (e.g., the customer did not submit income eligibility, equipment was not Energy Star Certified), only the TECH rebate will be applied.
5. The submitted claim is processed according to a standard Iris workflow that includes automated Quality Control, initial processor review, and payment review. TECH and HEEHRA rebates may be processed and issued independently once the claim is submitted.
6. Once approved for a HEEHRA rebate, payment is issued to the contractor and recorded in Iris.

Adjustments to TECH or HEEHRA rebates are not anticipated to disrupt this workflow. Likewise, because TECH and HEEHRA rebate eligibility processing may move forward independently after claim submission. This integration option simplifies the application process for contractors while honoring the separate requirements of HEEHRA and TECH.

Phase II implementation will address any additional requirements for the 50122 grant.

Section 4.1.6 Verify Income Eligibility

24. Describe how the State will define household income for verification purposes.

For households that provide income information, the State will request a sum of the income of all adult occupants over the past 12 months. A variety of documents can be used to prove this information including but not limited to tax filings, workers compensation, child support, disability or unemployment, bank statements, etc. As long as the income requirements of identified federal programs fall below 80% AMI and/or 150% AMI, applicants enrolled in a program that qualifies them as categorically eligible do not need to provide this income information.

25. For single-family households, how will claimants be able to establish their household income for income qualification? States may select from the following options:

- ☒ Documentation of household income (for example, 1040)
- ☒ Documentation of enrollment in a pre-qualifying program
- ☐ Self-attestation of either income level or enrollment in pre-qualifying program

26. For multifamily buildings, describe what combination of methods will be used to verify that at least 50% of dwelling units consist of households with incomes less than 80% AMI.

Phase I: For multifamily installations qualifying for <80% AMI, the party submitting the reservation must provide proof of eligibility for the whole multifamily building such that 50% of dwelling units fall under 80% AMI. Such proof can include, but is not limited to, individual tenant income documentation, evidence of Section 8, and/or proxy documentation for categorical eligibility. A complete list of eligible supporting documentation will be published prior to program launch and participants will be required to submit during the reservation review phase to determine qualification.

Phase I: Units of 4 or less would fall under the single-family program definition and each household being affected would need to submit proof of income eligibility separately.

Phase II implementation will address any additional requirements for the 50122 grant.

- a. For multifamily buildings, describe what combination of methods will be used to verify that at least 50% of dwelling units consist of households with incomes less than 150% AMI (but not less than 80% AMI).

Phase I: California will allow Multifamily buildings to qualify for the 80-150% AMI category, via the submission and verification of proof of eligibility for the whole multifamily building such that 50% of dwelling units falls under 150% AMI (but not less than 80% AMI). Additional documentation for the whole building such as deed restrictions tied to income of households, individual tenant income documentation, or other proof of enrollment in programs deemed as categorically eligible could also be provided to verify that at least 50% of dwelling units consist of household with income less than 150% AMI. A complete list of eligible supporting documentation will be published prior to program launch and participants will be required to submit during the reservation review phase to determine qualification.

Phase II implementation will address any additional requirements for the 50122 grant.

27. Confirm the following:

- Claimant will be required to note the number of individuals who occupy the dwelling

unit.

- Claimant will be required to sign an affidavit attesting to the validity of all information provided (e.g., enrollment documents, household income, number of full-time occupants) irrespective of the method of income qualification (e.g., categorical eligibility, self-attestation).

☒ Yes, the State confirms the above statements.

28. Describe how the 80% AMI and 150% AMI levels for each location will be kept up-to-date and linked to DOE systems. Provide additional information if proposing NOT to use a federally provided link or API.

☐ Defer response to State Implementation Blueprint.

Confirm that these levels will correspond to:

- The address of the home at which rebates will be applied
- The applicable number of household occupants

☒ Yes, the State confirms the above statements.

The Program will use a federally provided link to download a flat table of AMI ranges provided by the DOE in December 2023 and updated as the DOE provides. Those ranges will be uploaded into the Phase I low-income verification tool when tables are updated by the DOE, but no more frequently than monthly.

Phase II implementation will address any additional requirements for the 50122 grant.

29. Confirm that the State will do the following:

- Review information provided to support income eligibility for all applicants applying for rebates.

☒ Yes, the State confirms the above statement.

- Take steps to verify income eligibility for at least 50% of those applicants that use self-attestation to support income eligibility (e.g., confirm enrollment in at least one program that the applicant asserted enrollment in; confirm household income via IVES; calls to employers).

☒ Yes, the State confirms the above statement.

- After 6 months and not longer than 1 year after program launch, report to DOE the percentage and number of applicants that received rebates but were subsequently found to not meet eligibility requirements; and

☒ Yes, the State confirms the above statement.

- Work with the state's DOE project officer to institute additional safeguards or determine if a lesser level of review for applicants using self-attestation is justified

depending on the percentage/number of rebates issued without meeting eligibility requirements.

☒ Yes, the State confirms all the statement.

If applicable, propose the types of information that the State will provide to DOE to warrant reducing these requirements (e.g., allowing implementers to verify income of a subset of claimants through random sampling).

☒ N/A. The State will not reduce this requirement.

☐ Defer response to State Implementation Blueprint.

The Program does not plan to use self-attestation at the launch of the Phase I Program and will evaluate based on Phase I whether required for Phase II implementation.

30. Provide additional information as needed to demonstrate that the proposed approaches for income verification will address all types of households; not create undue burden for claimants; and include safeguards to minimize error and abuse in the process of verifying income.

☐ Defer response to State Implementation Blueprint.

Phase I: TECH Clean California will use the existing income eligibility methods consistent with DOE guidelines. The Program will work with local community-based organization partners and provide information to them and other advocacy groups in order to ease the process and provide a different means of assistance.

Currently, TECH offers Equity incentives – higher incentives that are available to residential customers who meet certain income thresholds in both single-family and multifamily homes -- that are paid through other programs and do not leverage HEEHRA Phase I funds. At launch the current TECH process that uses an online tool and manual document review will be used for single-family homes (four dwelling units or less), to verify income is either <80% AMI or 80-150% AMI, but the Program will work to release a more scalable solution that can return a high volume of applications within 2 days that further reduces PII risks through an API solution. The solutions that will be available to customers are listed below:

1) Customers will be able to provide details to inform categorical eligibility for a limited number of approved programs that best align with the program requirements and are accessible to a reasonable volume of potentially eligible customers through an online application tool. The Program team will have set up an API or other digital connection with the applicable participating program databases to confirm participation and will return

qualification in near real time. This process will be the quickest and easiest to participate in but may have limitations on the programs available for categorical eligibility, for example, it may only be able to connect with the SNAP database. By using already established databases we are minimizing the impacts to customer participation, ensuring that we are getting information directly from the latest database (rather than from a manually uploaded file that could be out of date) as well ensuring secure transmission of approval and confirmation of participation without disclosing sensitive customer information.

2) Customers can submit income data through the same online tool as above. Customer can provide income and household data when confirming their eligibility for participation in the program. During this process, the customer will be interacting with the same online tool as above and will provide this detail necessary to verify their eligibility. If the customer is not confirmed through existing methodologies, such as categorical eligibility, the customer can provide additional data point to go through the IRS process (such as 4506-C). This approach does require additional support and IRS documents to be securely transmitted however it allows for higher confidence in income related data accuracy.

3) At launch and as a double check throughout the process, the TECH team will use an online tool that where documents can be submitted for manual review. This process will allow the widest range of documents but can take from 2 days to 10 days depending on the volume of claims. This timeframe is not desirable based on the volume of applications that we expect and will create additional burden for participants that will decrease customer satisfaction. Under this process, customers can either submit documents for income verification or categorical eligibility. To ease burden, we will accept a wide variety of forms for income verification such as tax filings, workers compensation, child support, disability or unemployment, bank statements, etc., and a wide variety of categorical eligibility as described in Application Response 35. All information will need to be from the last 12 months in order to ensure records are recent.

As a safeguard to discourage applicants from falsifying income information, all applicants, when submitting income verification information, will be required to the customer will be required to accept participation terms and conditions to participate as well as check a statement acknowledging they are accurately representing their household income details. as well as confirm that they understand the following:

If the information provided is invalid and warrants you ineligible for this rebate, the rebate reservation, if not yet processed, will be canceled. If the rebate has already been applied to a purchase or service, the applicant will be responsible for repaying the State for the rebated amount. The State reserves the right to engage a bill

collection agency should repayment not be made within a stated period.

A manual document review process will be used for all multifamily projects. Because of the length of time for these projects to be completed, there is less need for an immediate turnaround.

Phase II implementation will address any additional requirements for the 50122 grant.

31. Describe how the State will verify (confirm legitimacy) of income information for all claimants (e.g., verification within 2 days through IRS, cross-check with enrollment databases of approved programs, calls to employers). If applicable, a State may propose the types of information that it will provide to DOE to warrant reducing this requirement (e.g., allowing implementers to verify income of a subset of claimants through random sampling).

☐ Defer response to State Implementation Blueprint.

As specified above in Question 30, through the different methodologies, the Program will use known sources of information.

Method 1) All categorical eligibility will be approved via a cross check of enrollment with approved programs.

Method 2) the existing IRS process 4506-C will be used for verification.

Method 3) This method uses an existing established process from a LIHEAP provider. In this methodology, the subcontractor will manually review all submitted documentation in order to ensure income information and categorical eligibility information is sufficient. The subcontractor will validate the documentation as submitted and will not be checking against a database nor contacting employers.

32. Identify how the State will resolve instances when rebates are provided to those who have falsified their incomes.

☐ Defer response to State Implementation Blueprint.

All customers will be required to sign a program specific terms and conditions, which will include stipulations they have to agree to confirming that the information they provided for qualification purposes is true and valid to their understanding. The Trade Professional Participation Agreement will also have terms on refunds and adjustments. Current terms read:

"Program Implementer is entitled to a prompt refund from Payee of any and all equipment returns processed by Payee for which the Program Implementer has paid a rebate reimbursement to the Payee. Any refund of rebate amounts paid to Participating Trade Professional to which Program Implementer becomes entitled will be deducted

and offset as an adjustment from Payee's future invoices. If Program Implementer cannot offset the refund in a timely manner, then, if requested by Program Implementer or the CPUC, the Payee must promptly refund to Program Implementer the rebate amounts due. Any written notice, demand, or request required or authorized in connection with this Agreement shall be deemed properly given if delivered in person, sent electronically via email, a nationally recognized overnight courier, or first-class mail, postage prepaid, to the addresses specified below or to other addresses specified in writing by Energy Solutions. An originally executed version of this Agreement, delivered electronically via email by one party to the other party as evidence of signature shall for all purposes hereof be deemed an original. When any of the above methods of execution of this Agreement is utilized in accordance with the terms set forth in this Section, then neither party shall have the right to object to the manner in which the Agreement was executed as a defense to the enforcement of this Agreement. "

The Program will also add language to deter customers and contractors from falsifying information the customers and contractor terms and conditions will contain language such as:

"By signing this certification, I am representing on my own behalf that the information provided in this certification, the application, and all other information submitted in connection with this application, is true and correct as of the date of submission. I acknowledge that any intentional or negligent misrepresentation of the information contained in this certification may result in criminal, civil or administrative sanctions, including but not limited to: (1) fines, restitution and/or imprisonment under 18 U.S.C. § 1001; (2) treble damages and civil penalties under the False Claims Act (31 U.S.C. § 3729 et seq); (3) double damages and civil penalties under the Program Fraud Civil Remedies Act (31 U.S.C. §3801 et seq); (4) civil recovery of award funds; (5) suspension and/or debarment from all Federal procurement and non-procurement transactions (FAR Subpart 9.4 or 2 CFR part 180."

If customers are found to have falsified information, the Program will work to take back the paid rebates. If it is discovered that an "eligible entity representative" or EER was involved in or encouraging falsifying information, the EER will be barred from future program participation. Information on these terms will be provided in both the customer terms and conditions and the Trade Professionals Participation Agreement.

33. If proposing to allow self-attestation as a means for initial income qualification,

provide a detailed description of how and when this approach will be used. Include statements, language, and detailed information regarding follow-up steps that will be used for this process. Additional topics to address include:

- Describe how those applying for rebates will be warned of potential liability associated with falsifying information.
- Explain how signed statements of self-attestation will be securely stored.
- Identify what level of falsified attestations will signal that the system needs to shut down either permanently or be restarted only after sufficient improvements.

☐ Defer response to State Implementation Blueprint.

The Program does not plan to use self-attestation.

34. Describe how the State program will verify, where applicable, that at least one member of a household has been enrolled in a program within the [Federal Programs Approved for Categorical Eligibility](#) document, or other state-proposed program approved by DOE, within the prior 12 months.

☐ Defer response to State Implementation Blueprint.

For Income Verification Method 1) an API connection will be used to cross check enrollment with existing programs. For Method 3) the program will collect documentation of the award of the Program and do a manual review to ensure that the data of award is within the prior 12 months.

Phase II implementation will address any additional requirements for the 50122 grant.

35. Identify the Federal or other programs by which the State plans to allow categorical eligibility.

☐ Defer response to State Implementation Blueprint.

California plans to offer categorical eligibility for the following programs listed in:

Federal programs approved for categorical eligibility for DOE Home Energy Rebates ("recognized programs"), found here:

<https://www.energy.gov/scep/articles/ira-50121-50122-home-energy-rebates-categorical-eligibility-list>

In addition to the Federal programs approved for categorical eligibility for DOE Home Energy Rebates, TECH will allow categorical eligibility in the following programs that have an 80% AMI requirement:

Self-Generation Incentive Program (SGIP) Equity Eligible (80% AMI)

- Requires: Documentation showing the host customer's household income is 80 percent of the area median income or less based upon a copy of the most recently available federal income tax documentation. Area Median Income is subject to annual changes based upon Housing

and Urban Development's income guidelines
(<https://www.huduser.gov/portal/datasets/il.html>).

If an applicant has received benefits from these services and has an award letter dated within the last 12 months, the household is considered income-eligible and can present this award letter as proof of income documentation. A copy of the award letter must be included with the income application.

Phase II implementation will address any additional requirements for the 50122 grant.

36. If applicable, propose any additional Federal and other programs to be considered for categorical eligibility. For any programs not already approved, describe how the program's eligibility aligns with the Section 50122 income requirements (Section 4.1.6).

- ☐ Defer response to State Implementation Blueprint.
☐ N/A. The State will not propose additional Federal or other programs to be considered for categorical eligibility.

The income requirements for the State programs are described below:
1. Self-Generation Incentive Program (SGIP) (Equity Eligible = <80% AMI)

37. Identify whether the State requests authorization to allow use of categorical eligibility determinations based on program participation outside of a one-year period (e.g., proof of enrollment within the past 12 months). If so, explain the State's proposal and describe the rationale.

- ☐ Yes, the State requests authorization to allow use of categorical eligibility determinations based on program participation outside of a one-year period. (Explain the State's proposal and describe the rationale.)
☒ No, the state will follow the categorical eligibility and proof of enrollment timeline requirements followed in our DOE approved WAP.
☐ Defer response to State Implementation Blueprint.

38. Identify whether the State requests authorization to allow categorical eligibility for a program in a way that is not consistent with the "level of categorical eligibility" listed in the document [Federal Programs Approved for Categorical Eligibility](#). For each deviation requested, propose, and provide documentation to justify the requested change. Documentation must demonstrate that the State imposes income requirements equivalent to or less than 80% AMI.

- ☐ Defer response to State Implementation Blueprint.

☒ N/A. The state will not allow categorical eligibility for a program in a way that is not consistent with the "level of categorical eligibility" listed in the document [Federal Programs Approved for Categorical Eligibility](#).

Section 4.1.7 Data Collection and Evaluation

39. Explain how data will be protected, specifically addressing security measures and privacy measures.

☐ Defer response to State Implementation Blueprint.

The CEC has standard contract Terms and Conditions for its contractors such as Energy Solutions that include: **"RECEIPT OF Confidential Information and Personal Information"** (full terms included in the Appendix). Within those terms there is an Information Security plan that outlines how contractors will follow the California State Administrative Manual Chapter 5300, Information Security (<https://www.dgs.ca.gov/Resources/SAM>)," See text below:

Information Security Program Plan:

1. Attestation and Review. Before Contractor is provided access to Confidential Information or Personal Information, Contractor must attest, using a form provided by the Energy Commission, it has in place an Information Security Program Plan (ISPP) that meets or exceeds the minimum requirements as stated in the California State Administrative Manual Chapter 5300, Information Security (<https://www.dgs.ca.gov/Resources/SAM>), and any other applicable law. Further, the Energy Commission may, at its discretion, also request a copy of Contractor's ISPP for review. After the Energy Commission's review, the Energy Commission may choose whether to direct Contractor to perform work that involves Confidential Information or Personal Information.
2. Content. Contractor's ISPP can be represented in a single document or a compilation of documents.
3. Implementation. Contractor must implement and maintain appropriate procedural safeguards to secure Confidential Information and Personal Information from Security Incidents and unauthorized use for the term of this Agreement. Contractor is responsible for the security and confidentiality of the Confidential Information and Personal Information under its control and the control of its employees, agents, subcontractors, and other project partners and follow the requirements of its ISPP.

In addition, for Phase I: Energy Solutions has a comprehensive set of security controls to monitor, detect, and respond to threats to IS and IT systems. Energy Solutions undergoes an annual 3rd party SOC 2 Type 2 audit, and its controls are validated to be in place and working by the 3rd party audit firm. The SOC 2 report provides all the detail on its security controls and is available upon request. These systems meet the ISPP controls outlined by

the CEC. Any violations of the SOC 2 audit will be flagged during the annual audit. Some of the ways that Energy Solutions ensures that we follow these procedures include:

- Confidential information being collected via Energy Solutions' secure software platform for consumer rebate application management.
- Confidential information being stored within this platform and on a password protected Microsoft SharePoint site.
- Confidential information being kept confidential for 5 years. Confidential information may be shared with a regulatory authority having jurisdiction over the program (including the DOE, CEC, or their representatives) for the specific purposes of administering or evaluating the program.

Phase II implementation will address any additional requirements for the 50122 grant.

40. Include documentation of the processes to monitor, identify, and address security and privacy threats.

☐ Defer response to State Implementation Blueprint.

Phase I: Energy Solutions has a comprehensive set of security controls to monitor, detect, and respond to threats to IS and IT systems. Energy Solutions undergoes an annual 3rd party SOC 2 Type 2 audit, and its controls are validated to be in place and working by the 3rd party audit firm. The SOC 2 report provides all the detail on its security controls and is available upon request.

The CEC has same for both Phase I and Phase II implementation to address any additional requirements for the 50122 grant.

41. Certify that the State will submit a Privacy and Security Risk Assessment in the State Implementation Blueprint.

☐ Yes, the State confirms the above statement and will include it with this narrative document.

☒ Yes, the State confirms the above statement but defers a response to State Implementation Blueprint.

42. Confirm that the State will collect required data and cooperate in program evaluation processes as listed in section 4.1.7.2.

☒ Yes, the State confirms the above statement.

43. Confirm that the State will gain access to billing data when requested by DOE for program requirements and program evaluation.

☒ Yes, the State confirms the above statement.

Describe how the state will gain access to billing data when requested by DOE for program evaluation.

The CEC has assembled an Amazon Snowflake data warehouse storing electricity and natural gas energy consumption interval data, electricity, and natural gas billing data, and associated customer account and meter identification data for the six largest California utilities.

This data warehouse includes records beginning in 2018 and is currently updated quarterly by the six utilities under the purview of California Title 20, Section 1353. Through its Phase I implementation of TECH Clean California, Energy Solutions has acquired read-only access to this data warehouse in order to calculate meter-based energy impacts for TECH participants.

Phase II implementation will address any additional requirements for the 50122 grant.

44. Confirm whether the State is planning to conduct its own evaluation, and if so, what type(s) of evaluations.

- ☐ Yes, the State will conduct its own evaluation. (Describe below).
☒ No, the state will participate in the DOE-led impact and evaluation process.

If yes, what type(s) of evaluations. If no, leave blank.

If the State plans to conduct evaluations on its programs, confirm that the State will:

- Cooperate with DOE to meet the requirements listed in section 4.1.7.2.
 - ☐ Yes, the State agrees to meet the evaluation requirements.
- Submit an evaluation plan for DOE review within three months of program launch.
 - ☐ Yes, the State will submit an evaluation plan within three months of program launch.
- Provide results to DOE.
 - ☐ Yes, the State will provide results to DOE.

45. If the State plans to conduct evaluations on its programs, describe the evaluation objectives, high level work plan, and timing of the evaluations and whether the State would request to be excluded from DOE-led evaluations.

- ☐ Yes, the State agrees to meet the evaluation requirements.
☒ N/A. The State will not conduct its own evaluation.

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Consumer Experience

Section 4.2.1: Education and Outreach Strategy

46. Confirm that the State will develop and submit an outreach and education strategy consistent with section 4.2.1.

- ☒ Yes, the State confirms the above statement.
☐ Defer response to State Implementation Blueprint.

Section 4.2.2 Qualified Electrification Projects

47. Describe how the State will verify that rebates are provided only for qualified electrification projects, including that each of the following conditions are met for each project:

- Project includes the purchase and installation of a qualifying product, as described in section 4.2.2
- The qualifying product is installed as part of new construction; or to replace a non-electric appliance; or as a first-time purchase with respect to that appliance.
- The installation occurs at a single-family home or eligible multifamily building.

Phase I: The claim submission process is handled through Energy Solution's online application tool Iris, which includes a step for participants (contractors) to choose the equipment installed from a pre-approved list. If the equipment is not listed, then participant can request it to be reviewed for compliance and manually added to the list. This ensures that participants are only able to select equipment that has been already qualified by the program team. The qualified products list in Iris is built using publicly available ENERGY STAR certified product list, which is uploaded into the Iris system on a monthly or quarterly basis.

The program application will also require contractors to select the previous installation scenario (retrofit vs. new construction vs. addition) along with previous equipment type for retrofit scenarios. Participants are also required to include a photo of the previous equipment and a photo of the capped gas line where applicable. The TECH program's existing quality assurance (QA) procedures will assess a sample of homes post-installation.

Phase II implementation will address any additional requirements for the 50122 grant.

48. Describe how the State will collect and retain documentation to demonstrate how

each criterion in section 4.2.2 was met for each installation.

☐ Defer response to State Implementation Blueprint.

Phase I: Per pre-existing, in production TECH program operations, data will be collected via an online application system. The online application will collect all information about the project required by 50122, including but not limited to photos of the site, permit number, a HERS report (if required), and the invoice. All applications will undergo a verification process. Iris uses a number of automated and manual checks to verify information for the application. At Program launch, the verification process will include manual review of all application documentation, and the Program may move to a sampling approach as Program volume grows. All documentation, either submitted online or via paper form, will be maintained for public record for the required amount of time and can be reported on at agreed upon cadences.

Phase II implementation will address any additional requirements for the 50122 grant.

49. If applicable, identify any additional types of "materials to improve ventilation" that the State plans to make eligible for rebates.

☐ Defer response to State Implementation Blueprint.

☒ N/A. The State will not include any additional types of "materials to improve ventilation" in the rebates.

Section 4.2.3 Installation Incentives

50. Describe how eligible entity representatives will be determined to be eligible for installation incentives, and how and when incentives will be paid.

☐ Defer response to State Implementation Blueprint.

Phase I: California will provide installer incentives of \$200 for installation of eligible heat pump equipment (ducted or unducted) for low-income, single-family QEPs as part of the TECH HEEHRA Phase I implementation. Balance of measures will have \$0 installer incentive HEEHRA Phase I.

The "eligible entity representatives" or EERs will need to execute a contractor participation agreement with the TECH program to be eligible for rebates. Only entities signing a participation agreement will be given a login to the application processing system where they can submit applications for rebates. All contractors executing a participation agreement will be listed on the "Switch is On" "Find a Contractor" tool, so that eligible contractors will be

listed and searchable for the potential customers. EERs that are not contractors can apply to be a Designated Applicant. The program will make available a joint Designated Application/installation contractor enrollment form which ensures the program is only paying rebates to approved EERs and is for work completed by licensed contractors that have signed contractor participation agreements, while also ensuring the EER is aware of key program requirements, including but not limited to, data collection and rebate pass-through requirements.

After installation is complete the eligible entity representative will submit an application, which includes all necessary Program and Incentive documentation, through Iris. The application will be reviewed and either approved, rejected, or flagged for the contractor to provide additional information. Rebates are typically paid today, for example, within 3 weeks of receiving the rebate claim.

Phase II implementation will address any additional requirements for the 50122 grant.

51. Confirm that the State program will provide a clear incentive schedule commensurate with the scale of the upgrades installed not to exceed the maximum allowable values.

☒ Yes, the State confirms the above statement.

52. Describe what tool(s) the State will provide for eligible entity representatives to identify households that qualify for an installer incentive for substantial installation located within a disadvantaged community.

☐ Defer response to State Implementation Blueprint.

For Phase I, California will provide installer incentives of \$200 for installation of eligible heat pump equipment (ducted or unducted) for low-income, single-family QEPs as part of the TECH HEEHRA Phase I implementation, which may or may not fall within state-designated DAC . California currently provides public mapping tools to determine DAC communities available at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>, but no additional tools will be developed to installers to identify these households.

Phase II implementation will address any additional requirements for the 50122 grant.

53. Confirm that the State program will automatically provide the incentive to eligible entity representatives in an amount not to exceed \$500 per dwelling unit or multifamily building in a 12-month period.

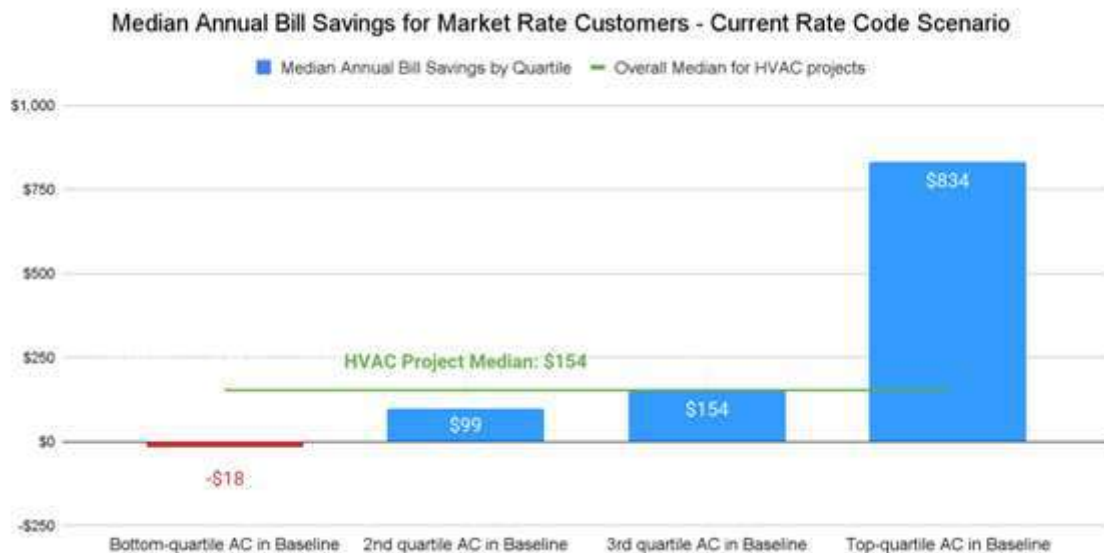
☒ Yes, the State confirms the above statement.

Section 4.2.4 Home Assessments

54. Determine and describe a pre-defined set of home pre-condition(s) and/or scope of work scenario(s) that will constitute unacceptable risk of raising utility bills.

☐ Defer response to State Implementation Blueprint.

Phase I: For single-family homes, TECH will only incentivize qualified HVAC heat pump units. According to most bill calculators and early results from the TECH bill analysis, HP HVAC systems will have bill savings for almost all homes in California, especially when meeting ENERGY STAR requirements. The results of the analysis from real bill data for TECH show that median bill savings for more than 75% of users are positive and that the bottom quartile of HP HVAC scenarios only saw an \$18 annual increase in bills. This TECH analysis includes homes that did not previously have air conditioning. (Note: this is currently an internal analysis and should not be shared publicly).



Additionally using the California eTRM, which models fuel substitution impacts amongst all climate zones find that 81% of all combinations of climate zones and building types replacing existing AC plus furnaces would experience positive bill impacts. The 19% of homes having negative bill impacts would see approximately a \$30 increase bill increase annually. A copy of the eTRM data and the analysis are included in the appendix. he analysis are included in the appendix.

The only time there will be a significant risk of bill impacts is if they do not currently have air conditioning. In this case the risk will be known, and the benefit will be that the customer will now have air conditioning, a known tradeoff. All customers will sign information during the reservation phase confirming that they are aware of changing bills due when installing a fuel

substitution measure. With these safeguards in place, we do not see scenarios that constitute unacceptable risk of raising utility bills.

In all cases, if the upgrade includes a fuel switch, an estimate of utility bill impacts and written acknowledgement by the consumer will be provided on the application.

For multifamily, there are too many variables for multifamily installations to definitively say which mix of measures will or will not increase utility bills. Therefore, multifamily resources will include language informing the customer about potential bill impacts, user behavior impacts, and all projects will be encouraged to include a broader set of measures beyond just the appliance, such as solar, storage, weatherization, and others to reduce potential of bill increases. This approach aligns with California adoption in 2021 of Total System Benefits methodologies as better means to measure the value of efficiency by combining energy and cost savings, time of use, and demand charge savings with greenhouse gas reduction benefits.

In addition for Phase I, California's Consumer Protection Plan will address:

- How California will focus on the specific homes with potential for bill-increases and evaluate under what circumstances bills may go up by a larger amount than the median.
- How California will leverage multifamily case studies to help educate renters on risk factors for increased bills, with particular emphasis for low-income units where renters pay for utilities and units that are individually metered.
- How California will help contractors communicate bill increase risks, including details on how a contractor will complete the requirement for 50122 mini home assessment for HVAC heat pump.

Phase II implementation will address any additional requirements for the 50122 grant.

55. Identify if the State will allow remote or virtual assessments in place of field-based assessments in cases of limited home assessments and if so, describe process.

☐ Yes, the State will allow remote or virtual assessments (describe below).

☒ No, the State will not allow remote or virtual assessments in Phase I

☐ Defer response to State Implementation Blueprint.

56. Describe what processes will be put in place for home energy assessments for multifamily buildings, including for energy used by common areas.

☐ Defer response to State Implementation Blueprint.

Phase I: As with single-family buildings, prior to launching the program, the State will develop requirements for what must be included at a minimum in all multifamily assessments for 50122 HEEHRA. The Program will require contractors to submit home assessments and pull permits. After project completion a third-party installation verification will occur through the existing California Home Energy Rating System (HERS) program. The State will publish the multifamily building assessment requirements and provide these to all contractors on the qualified contractor list. The Program will also perform their own Home Energy Assessments for some multifamily projects prior to selecting a project or contractor. This additional service will help to serve LI communities and allow project owners to better narrow down the project scope and needed contractors prior to engaging their own contractor and expending their own money to provide a home assessment.

Phase II implementation will address any additional requirements for the 50122 grant.

Section 4.2.5 Consumer Protection Through Quality Assurance

57. Confirm that the State will prepare and implement a Consumer Protection Plan in accordance with these requirements in section 4.2.5.

☒ Yes, the State confirms the above statement.

Requirements to Maximize Rebate Impact

Section 4.3.1 Supporting the Clean Energy Economy Through Market Transformation

58. Certify that the State will prepare and implement a Market Transformation Plan within the first year after receiving the financial assistance award.

☒ Yes, the State confirms the above statement and will provide the plan with this narrative document.

Section 4.3.2 Integrating with Other Programs

59. Identify whether the State plans to take proactive steps to encourage integration with other programs. If so, identify with which programs the State will actively seek to integrate. The State may include letters of support or other indicators of commitment from existing program partners. If the State does not plan to integrate the rebates into any existing programs, note this as "not applicable" within the application. Applications should identify whether programs will be integrated in any or the following areas:

- Integration into existing program administration, website, materials.
- Adoption of existing program standards, quality assurance (QA), workforce

- standards, or other practices.
 - Braiding or co-funding of upgrades within individual households.
 - Other integration elements, as applicable.
- ☐ N/A. The State does not plan to integrate the rebates into any existing programs.

Phase I: Rebates will be provided through the existing TECH Clean California Initiative (branding may vary in final implementation). TECH set up a rebate program integration model that can integrate multiple programs together on a single claim form. Contractors fill out one application and based on their responses, customer eligibility (such as income), and contractors' eligibility for different programs, they will receive rebates for multiple programs. Checks and verification that combined funding does not exceed total project cost of QEP, even as multiple rebates or equipment and appliance incentives are layered or stacked for a homeowner, will occur at this stage. Currently, TECH's application is directly integrated with two regional programs: BayREN HPWH Contractor Incentive Program and Central Coast Community Energy's Electrify Your Home. These programs share the same data collection fields, QA standards for application review, base terms for a Trade Professional Participation Agreement, and home contractor requirements. These rebates and equipment or appliance incentives stack and are layered (not braided) on top of each other, but since they are all within the same platform, cost caps are applied across all rebates programs and will ensure that we don't exceed maximum for allowable costs or total project cost of QEP across all programs. These programs currently cross promote the TECH Program through their program websites and materials and will cross promote new HEEHRA rebates in these territories as well.

TECH is working towards additional integrations, including but not limited the Statewide QHVAC program.

TECH also coordinates with other statewide and regional programs, such as Comfortably California and Golden State Rebates, to conduct joint marketing and outreach. For example, TECH will occasionally send out newsletters informing participants and stakeholders about newly launched rebates and incentives, or workforce training opportunities not directly managed by TECH. TECH works with the "Switch is On" to provide information for the "Find Incentive" tool (<https://incentives.switchison.org/>), which lists available incentives in California.

The customer participation agreement provides notice of additional opportunities and provide a QR code to link customers directly to those additional opportunities.

See answer to question 9 how will address QEPs in homes that receive other federal funding for the same QEP.

Phase II implementation will address any additional requirements for the 50122 grant.

60. Describe how the State program will support households, contractors, and other stakeholders in understanding how the State program may leverage other program resources.

☐ Defer response to State Implementation Blueprint.

Phase I: The TECH program maintains two websites, The "Switch is On" (switchison.org) and TECH Public Reporting Site (TechCleanCA.com), where customers, contractors, and other stakeholders can learn about other program resources that may be available for them. Example of such resources include, but are not limited to, an incentive and rebate lookup tool where stakeholders can identify available rebates and incentives in the region, installation cost tracker so customers can compare bids with average costs in the region, general information about heat pumps and how they operate. HEEHRA Program information will be incorporated into both of these public facing websites, and the tools associated with them. In addition, we will be providing additional marketing materials such as customer, contractor, and distributor flyers. The Program will be putting together a specific DAC outreach plan that will outline additional efforts that will be used to engage DAC communities, such as working with CBOs. The TECH program regularly engages the over 1,000 contractors that have enrolled in the Program, plus a number of multifamily partners that participate in the Program. Email announcements, webinars and other program engagement activities will be directed towards these active participants. TECH also continues to engage new contractors through distributor, manufacturer, and industry events such as the Flow Expo and IHACI. All new contractors will be provided information both about TECH and the HEEHRA Program.

Phase II implementation will address any additional requirements for the 50122 grant.

61. Describe the method(s) the State will use to ensure the total combination of all immediate upfront funding sources (Federal grants, Federal loans, and non-Federal funding) provided to a project does not exceed the total project cost.

☐ Defer response to State Implementation Blueprint.

Phase I: CEC will use the existing controls it has in place in its TECH program to ensure total project funding does not exceed project cost. All sources of funding are required to be documented on the invoice, which the implementer will not approve if those exceed, in total, the total project costs. Additionally, contractor

input total project costs of the project into an application field in Iris. Iris uses automated logic to cap rebates and equipment or appliance incentives at the eligible percent of project costs based on the AML of the customer and the total project cost minus other rebates that were applied for. Total project cost fields are manually checked against submitted invoices. The Program will not allow any HEEHRA recipients to receive assistance from other federal Programs. The current programs that stack with HEEHRA are non-federally funded programs.

CEC will develop a plan that outlines process the CEC and Program Implementers will use to verify that projects/measures funded by HEEHRA are not also funded by the federally funded HOMES and weatherization programs.

Phase II implementation will address any additional requirements for the 50122 grant.

62. Describe how the State program will support contractors and retailers in preparing acceptable invoices that may be kept as program records. The State must also describe how its implementer(s) will produce this documentation in a timely manner upon request in the event of an audit by DOE, the DOE's inspector general, a State's inspector general, or another entity.

☐ Defer response to State Implementation Blueprint.

Phase I: All contractors will need to be approved by the State, which includes signing a participation agreement which will clearly state what information must be included on an invoice for it to be accepted by the program. Currently TECH is requiring the following information is included on the invoice:

- Site address
- Equipment information, including manufacturer and model number of installed equipment
- Total cost pre-rebate/incentive
- TECH rebate/incentive amount

Invoices must be submitted as part of an incentive claim package and 100% of submitted invoices will be reviewed to ensure they include all information listed above. The invoices, along with all other claim documentation, will be maintained within the claims processing system and can be exported either individually or in mass upon request.

California, through Energy Solutions, will require that contractors/eligible entity representatives provide detailed invoices and information identifying which distinct and separate upgrades were funded by HEEHRA or other Federal program sources. The resulting data will be collected and retained when a home/building is using funding from HEEHRA. Each equipment upgrade or QEP component will be a line item on the invoice of the home

energy upgrade package with subdivided labor costs associated with each line item. See response Question 4 for invoice requirement.

In order to help contractors prepare adequate invoice information we will provide templates that show applicable project costs for each upgrade and how to separate out information. We will provide training on this template during enrollment webinars and have additional training available in TECH's learning management system (LMS).

Phase II implementation will address any additional requirements for the 50122 grant.

63. Describe how the State will ensure rebate recipients will be made aware of the portion of the funding received from the DOE Home Electrification and Appliance Rebates.

☐ Defer response to State Implementation Blueprint.

Contractors will be required to provide a line item showing the level of rebate applied on invoices that must be signed by the homeowner or building owner. Without this documentation, contractors will not be reimbursed.

Below are the required fields to be listed on a customer invoice currently:

- Site address
- Equipment information, including manufacturer and model number of installed equipment
- Total cost pre-incentive/rebate
- TECH rebate/incentive amount Phase I

Phase I: TECH rebate/incentives and 50122 rebates must be listed as a line item on the invoice either directly reducing the cost (recommended) or specified to be supplied to the customer after being received by a participating contractor (in this case the contractor will write a check to the customer after receiving the rebate/incentive from the Program).

Additionally, the passthrough method that was used must be noted on the rebate/incentive claim to assist with resolving any issues where a customer claims they never received the rebate/incentive.

Phase II implementation will address any additional requirements for the 50122 grant.

Section 4.3.3 Quick Starts

64. Identify whether the application is for a Quick Start program. For Quick Start programs, identify the timeline for program launch.

- ☐ Yes, this is for a Quick Start Program (provide timeline below).
☒ No, this is not for a Quick Start Program.

| |
|--|
| |
|--|

Please add your name, title, signature, and date.

Carol Schmitt
Name (printed)

California Energy Commission, Energy Resource Specialist III (Supervisory)
Organization and Title

Carol Schmitt (signature)

Signature

May 30, 2024
Date

Appendix Information

Proposed Incentives

Proposed Single-Family Incentives

| SF Incentives | HEEHRA Maximum allowed | TECH / SGIP HPWH (will layer) | Proposed HEEHRA Incentives | Reasoning |
|---------------------|------------------------|-------------------------------|----------------------------|-------------------------------------------------------------------------------------|
| <80% AMI HP HVAC | \$8,000 | \$1,000 | \$8,000 | Maximize Benefits to Low Income |
| 80-150% AMI HP HVAC | \$8,000 | \$1,000 | \$4,000 | Push participation towards LI. |
| HPWH | \$1,750 | \$5,800+\$4K | \$0 | Do not complicate SGIP HPWH launch. Incentives already cover 100% of project costs. |

Proposed Multifamily Incentives

| MF Incentives | DOE Max | TECH Incentives | Proposed HEEHRA Incentives | Reasoning |
|-----------------------------------|-----------|-----------------------|----------------------------|----------------------------------------------------------------------------------------------------|
| PTHPs | \$8,000 | \$500/\$1000 | N/A | No PTACs on Energy Star List |
| Central Common HVAC | \$8,000 | \$1,800/ \$300/ \$800 | \$0 | Energy Star equipment is <5 tons and rules require units to serve dwellings. |
| Central HVAC | \$8,000 | \$1,000 | \$1,000 | |
| Individual HPWHs (e2e/<55,>55) | | | | Pent up demand means no need for higher incentives. Consistency with TECH will keep things simple. |
| All Sizes (Electric to Electric) | \$1,750 | \$700 | \$700 | |
| <55 Gallons (Gas to Electric) | \$1,750 | \$1,400 | \$1,400 | |
| >=55 Gallons (Gas to Electric) | \$1,750 | \$2,100 | \$1,750 | Limited by HEEHRA Maximum |
| Central HPWHs (<15 g/br, >15g/br) | | | | May not be available in Energy Star at launch |
| <15 Gallons per bedroom | \$1,750 | \$1,200 | \$1,200 | |
| >=15 Gallons per bedroom | \$1,750 | \$1,800 | \$1,750 | Limited by HEEHRA Maximum |
| Pool Heaters | \$0 | \$2,500 | N/A | Not available |
| Electric Upgrades | 4000/2500 | N/A | \$2,000 | Electric Panel costs generally <\$2,000 |
| Electric Wiring | \$2,500 | \$0 | \$1,000 | Will cover some needs without inflating costs |
| Induction Cooktop | \$840 | N/A | \$840 | |
| HP Dryers | \$840 | N/A | \$840 | Add new offering for all electric buildings |

Pre-HEEHRA TECH Multifamily IncentivesFlyer

(reference example how the program will be promoted based upon existing success)

TECH CLEAN CALIFORNIA

Multifamily Incentives for Heat Pump Water Heaters and Heat Pump HVAC

TECH Clean California is offering substantial incentives direct to contractors to support the installation of heat pump technologies in existing single-family and multifamily buildings throughout the state of California. These incentives are available only to contractors enrolled in TECH Clean California.

The following incentives are available for equipment that meets [qualifying equipment requirements](#).

Multifamily Heat Pump HVAC Incentives

Incentives for Heat Pump HVAC Systems Serving Individual Apartments

| Previous Space Heating Source | System Type | AHRI Test Standard | Total Incentive Per System |
|-------------------------------|-------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------|
| Non-heat pump systems | Split or packaged rooftop/multi-position heat pump (ducted or ductless) | 210/240 | \$2,000 |
| All except PTHPs | PTHP, SPVHP, or unitary through the wall/ceiling heat pump | 310/380, 390 | \$500 (Single or two-stage compressor) \$1,000 (Variable capacity/inverter-driven) |

Incentives for Heat Pump HVAC Systems Serving Multiple Apartments

| Previous Space Heating Source | System Type | Total Incentive (Per Apartment Served) |
|-------------------------------|-----------------------------------------------|----------------------------------------|
| Non-heat pump systems | HP HVAC equipment serving multiple apartments | \$1,000 |

Incentives for Heat Pump HVAC Systems Serving Common Areas

| Previous Space Heating Source | System Type | Total Incentive Per System |
|-------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Non-heat pump systems | Split or packaged rooftop/multi-position heat pump (ducted or ductless) | \$1,800 |
| | PTHP, SPVHP, or unitary through the wall/ceiling heat pump | \$300 (Single or two-stage compressor) \$800 (Variable capacity/inverter-driven) |

TECH.info@energy-solution.com

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TECH
CLEAN CALIFORNIA

Multifamily Heat Pump Water Heating Incentives

The following incentives are available for unitary HPWHs in apartments and communal spaces, central HPWHs, and HPWHs heating spas or pools.

Incentives for Unitary Heat Pump Water Heaters

| Previous Water Heater Heat Source | HPWH Tank Size | Total Incentive Per System |
|-----------------------------------|----------------|----------------------------|
| Gas or Propane | < 55 gallons | \$1,400 |
| | ≥ 55 gallons | \$2,100 |
| Electric Resistance | All | \$700 |

Incentives for Central Heat Pump Water Heaters Serving Two or More Apartments

| Previous Water Heater Heat Source | HPWH Storage Volume ¹ | Total Incentive (Per Apartment Served) |
|-----------------------------------|----------------------------------|----------------------------------------|
| Non-heat pump systems | < 17 gallons per bedroom served | \$1,200 |
| | ≥ 17 gallons per bedroom served | \$1,800 |

Incentives for Multifamily Heat Pump Pool or Spa Heating

| Previous Space Heat Source | System Type | Total Incentive Per System |
|----------------------------|------------------------|----------------------------|
| Non-heat pump systems | Heat pump pool heating | \$2,500 |

Incentives for Electrical Panel Upgrades

| Previous Equipment | System Type | Total Incentive Per Apartment Receiving Electrical Upgrade |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Undersized apartment electrical infrastructure that is upgraded as part of an apartment's HPWH or HP HVAC installation | Apartment panel or subpanel upgrades | \$1,400 Apartment unit must have received a TECH-funded heat pump HVAC system or HPWH, and must be all-electric after the electrical upgrade |



Be part of TECH Clean California

To find out more information or sign up as a TECH Clean California contractor, please go to switchison.org/contractors/tech-clean-california

TECH.info@energy-solution.com

TECH Clean California is funded by California ratepayers and taxpayers and administered by Southern California Edison Company under the auspices of the California Public Utilities Commission.

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Attachments Uploaded Separately in PAGE**1) CEC Contract Terms around Confidential and Personal Information.****2) eTRM Modeling data for Fuel Substitution**



Federal Assistance Reporting Checklist

Attachment 2

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| 1. Award Number: SE-0000080.0002 | | 2. Program/Project Title: SCEP- IRA 50121/50122-ALRD-2022 - Home Efficiency Rebate and Home Electrification and Appliance Rebates | |
| 3. Recipient: Energy Resources Conservation & Development Commission | | | |
| 4. Reporting Requirements (see also the Special Instructions) | | Frequency | Addresses |
| I. PROJECT MANAGEMENT REPORTING | | | |
| <input checked="" type="checkbox"/> A. Performance Report - Narrative | | Q | A. PAGE System |
| <input checked="" type="checkbox"/> B. Performance Report - Quantitative | | Q | B. PAGE System |
| <input checked="" type="checkbox"/> C. Financial Report (SF-425) | | F, Q | C. PAGE System |
| <input checked="" type="checkbox"/> D. Scientific and Technical Reporting | | AF, P | |
| <input checked="" type="checkbox"/> 1. Accepted Manuscript of Journal Article(s) | | AF, P | D.1. OSTI E-Link |
| <input checked="" type="checkbox"/> 2. Conference Product(s) | | AF, P | D.2. OSTI E-Link |
| <input checked="" type="checkbox"/> 3. Technical Report(s) | | AF, P | D.3. OSTI E-Link |
| <input checked="" type="checkbox"/> 4. Software & Manual(s) | | AF, P | D.4. DOE CODE |
| <input checked="" type="checkbox"/> 5. Dataset(s) | | AF, P | D.5. OSTI E-Link Datasets |
| <input checked="" type="checkbox"/> 6. Other STI (Dissertation / Thesis, etc.) | | AF, P | D.6. OSTI E-Link |
| <input checked="" type="checkbox"/> E. Intellectual Property Reporting | | AF, P | |
| <input checked="" type="checkbox"/> 1. Intellectual Property Reporting | | AF, P | E.1. iEdison |
| <input checked="" type="checkbox"/> 2. Invention Utilization Report | | AF, P | E.2. iEdison |
| <input type="checkbox"/> F. Project Management Plan (PMP) | | | F. PAGE System |
| <input checked="" type="checkbox"/> G. Special Status Report | | A5 | G. See section I.G. for instructions and due dates |
| <input checked="" type="checkbox"/> H. Continuation Application | | A5 | H. PAGE System |
| <input checked="" type="checkbox"/> I. Other (see Special Instructions) | | | I. See Special Instructions |
| <input checked="" type="checkbox"/> 1. Deferred Narrative Document Responses | | A5 | i. PAGE System |
| <input checked="" type="checkbox"/> 2. Privacy and Risk Assessment of State Systems | | A5 | ii. PAGE System |
| <input checked="" type="checkbox"/> 3. Outreach and Education Strategy | | A5 | iii. PAGE System |
| <input checked="" type="checkbox"/> 4. Utility Data Access Plan (Only required for 50121) | | A5 | iv. PAGE System |
| <input checked="" type="checkbox"/> 5. Consumer Protection Plan | | A5 | v. PAGE System |
| <input checked="" type="checkbox"/> 6. Market Transformation Plan | | A5 | vi. Determined by DOE |
| <input checked="" type="checkbox"/> 7. Community Benefits Plan | | A5 | |
| <input checked="" type="checkbox"/> 8. Security and Privacy Controls documentation | | A5 | viii. PAGE System |
| <input checked="" type="checkbox"/> 9. Evaluation Plan (Not required if participating in DOE-led impact evaluation) | | Q | ix. PAGE System |
| <input checked="" type="checkbox"/> 10. Pre-Launch Information | | Q | x. PNNL |
| <input checked="" type="checkbox"/> 11. Rebate Transaction Data (if the DOE/PNNL Rebate Tracker is not used) | | A5 | xi. PNNL |
| <input checked="" type="checkbox"/> 12. Programmatic Data Tracking | | A5 | xii. PAGE System |
| <input checked="" type="checkbox"/> 13. Final Evaluation Results (Not required if participating in DOE-led impact evaluation) | | Q | xiii. PAGE System |
| II. AWARD MANAGEMENT REPORTING | | | |
| <input checked="" type="checkbox"/> A. Current and Pending Support | | A5 | A. PAGE System |
| <input checked="" type="checkbox"/> B. Demographic Reporting | | A5 | B. PAGE System |
| <input checked="" type="checkbox"/> C. Financial Conflict of Interest Report | | A5 | C. PAGE System |
| <input type="checkbox"/> D. Tangible Personal Property Report - Annual Property Report (SF-428 & SF-428A) | | | D. PAGE System |
| <input checked="" type="checkbox"/> E. Tangible Personal Property Report – Disposition Request/Report (SF-428 & SF-428C) | | A5 | E. PAGE System |
| <input type="checkbox"/> F. Uniform Commercial Code (UCC) Financing Statements | | A5 | F. See section II. F. for instructions and due dates |
| <input type="checkbox"/> G. Federal Subaward Reporting System (FSRS) | | A5 | G. FSRS |
| <input checked="" type="checkbox"/> H. Annual Incurred Cost Proposal | | Y180 | H. See section II. H. for instructions and due dates |

Federal Assistance Reporting Checklist

FREQUENCY CODES AND DUE DATES:

A5 – As Specified or within five (5) calendar days after the event.

F – Final; within 120 calendar days after expiration or termination of the award.

O – Other: See instructions for further details.

P – Post-project (after the period of performance); within five (5) calendar days after the event, or as specified.

Q – Quarterly; within 30 calendar days after the end of the federal fiscal year quarter.

S – Semiannually; within 30 days after end of the reporting period.

Y – Yearly; within 90 calendar days after the end of the federal fiscal year.

Y180 – Yearly; within 180 calendar days after the close of the recipient's fiscal year.

FULL URLS:

Page Systems: <https://www.page.energy.gov>

OSTI E-Link: <http://www.osti.gov/mlink-2413>

OSTI E-Link Datasets: <https://www.osti.gov/mlink/2416-submission.jsp>

DOE CODE: <https://www.osti.gov/doecode/>

iEdison: <http://www.iedison.gov>

EERE PMC: <https://www.eere-pmc.energy.gov/SubmitReports.aspx>

FSRS: <https://www.fsr.gov>

Special Instructions:

PROJECT MANAGEMENT REPORTING

I.I. Other (Special Instructions)

1. Deferred Narrative Document Responses: All Narrative Document responses deferred at the time of application must be resubmitted to DOE as part of the State Implementation Blueprint 60 days prior to planned rebate program launch.

State Implementation Blueprint (found in [Home Energy Rebate \(HER\) Program Requirements & Application Instructions](#)) : The State Implementation Blueprint consists of the documents outlined below. Each of these is due 60 days prior to planned rebate program launch, unless otherwise noted. All State Implementation Blueprint documents should be submitted through the DOE PAGE system. State

Implementation Blueprint documents:

2. Privacy and Risk Assessment of State Systems
3. Outreach and Education Strategy
4. Utility Data Access Plan (Only required for 50121)
5. Consumer Protection Plan (Consumer Protection Plan must be reviewed every 2 years, adjusted based on lessons learned, and changes must be shared with DOE, contractors, aggregators, and third-party inspectors.)
6. Market Transformation Plan – Market Transformation Plan can be submitted up to 1 year after award date.
7. Community Benefits Plan
8. Security and Privacy Controls documentation (found in the [HER Program Requirements & Application Instructions](#)) is due upon DOE request.
9. Evaluation Plan (found in [HER Program Requirements & Application Instructions](#)) is due within three months of rebate program launch and submitted through PAGE. The Evaluation Plan is submitted through PAGE. If a state chooses to participate in DOE-led impact evaluation an Evaluation Plan is not required.
10. Pre-Launch Information (found in [Data & Tools Requirements Guide](#)) is due at least 60 days before program launch and submitted via [PNL Administrative Portal](#).
 - i. **For 50122 only:** If the state chooses to submit an alternative workflow instead of the DOE/PNNL workflows, the alternative needs to be submitted at least 60 days prior to program launch.

For states not using the CESJT to designate disadvantaged communities, they must propose an alternative map for DACs and provide a shapefile to DOE/PNNL no later than 60 days prior to launch.
11. Rebate Transaction Data (found in [Data & Tools Requirements Guide](#)) is due monthly on the last day of the month if the DOE/PNNL Rebate Tracker is not used. Data should be submitted on [PNL Administrative Portal](#).
12. Programmatic Data (found in [Data & Tools Requirements Guide](#)) Tracking is due quarterly and submitted through DOE PAGE.
13. Final Evaluation Results (found in the [HER Program Requirements & Application Instructions](#)) are due within 18 months of evaluation approval, or the agree-upon timeline in the evaluation plan. DOE may require another evaluation depending on the results of their first evaluation. The results are submitted through PAGE. If a state chooses to participate in DOE-led impact evaluation, Final Evaluation Results are not required.

Federal Assistance Reporting Checklist

AWARD MANAGEMENT REPORTING

II.K. Other (Special Instructions)

1. Invoice documentation (found in the [HER Program Requirements & Application Instructions](#)) for work performed is as due upon request in the event of an audit. Invoice documentation refers to the documentation that provides details about the work that was carried out.

IRA 2022 Reporting

V.F. Other (Special Instructions)

1. The IRA Supplemental Annual Data Report form will be used to uniformly collect data on the outputs and outcomes of IRA-funded activities. The IRA Supplemental Annual Data Report shall be submitted annually within 90 days of the end of each IRA Program Year, which is a 365-day period upon the day rebates become available to consumers. Grantees should only complete the portions of the form that correspond to the grantee's activities. A template report will be provided to grantees by the DOE Project Officer.
2. IRA Home Energy Rebates Program Planned Activities will be used to collect performance data of IRA Home Energy Rebates Program activities and outputs on a quarterly basis. Information is to be submitted via [PAGE System](#) at each quarterly reporting period, which is within 30 calendar days after the end of the quarterly reporting period (Due dates would thus be January 30, April 30, July 30, October 30).

Federal Assistance Reporting Checklist

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Reporting Instructions

******* *Throughout the performance of the project, it is important that you mark Protected Data/Limited Rights Data as described in Appendix A. It is equally important that you not submit Protected Personally Identifiable Information (Protected PII) to DOE. See Appendix A for guidance on Protected PII.* *******

I. Project Management Reporting

A. Performance Report Narrative (PRN)

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov/ |
| Submission deadline: | Within 30 calendar days after the end of the quarterly reporting period (January 30, April 30, July 30, October 30) |

Every quarter, the prime recipient is required to submit a Performance Report - Narrative (PRN) and a Performance Report Quantitative (PRQ) for the project. Together these two documents summarize the entirety of work performed by the prime recipient, subrecipients, and contractors. The Performance Report - Narrative contains qualitative information on the project progress. The Performance Report - Quantitative captures quantitative information on the project progress. The PRN must include the following information. Your DOE project team will provide a form for submission.

1. Cover Page

- a. Federal Agency and Organization Element to Which Report is Submitted
- b. Federal Grant or Other Identifying Number Assigned by Agency
- c. Project Title
- d. Program Director/Principal Investigator/Lead Project Manager (PD/PI) Name, Title, and Contact Information (e-mail address and phone number)
- e. Business Contact Name, Title, and Contact Information (e-mail address and phone number)
- f. Submission Date
- g. Recipient Organization (Name and Address)
- h. Period of Performance (Start Date, End Date)
- i. Tranche (Start Date, End Date)
- j. Reporting Period (Start Date, End Date)
- k. Certification by the Submitting Official that includes: Signature of Submitting Official (electronic signatures (i.e., Adobe Acrobat) are acceptable); date of signature; and the following certification statement:

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By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate. I am aware that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001, Section 287 and Title 31, Sections 3729-3730). I further understand and agree that the information contained in this report are material to Federal agency's funding decisions and I have an ongoing responsibility to promptly update the report within the time frames stated in the terms and conditions of the above referenced Award, to ensure that my responses remain accurate and complete.

2. Summary

The purpose of the Summary is to describe a high-level status on the items listed below. This section should be a mix of short paragraphs and bullet points.

Major Goals and Objectives

Provide a summary of the major project goals and objectives. This should be the same from quarter to quarter and align with the Statement of Project Objectives (SOPO)/Statement of Work (SOW).

Technical Achievement(s)

Provide a summary of all significant technical progress of the project in achieving objective and programmatic goals during the life of the project. This should include key outcomes or other achievements, such as major findings, developments, or conclusions (both positive and negative), information dissemination, etc. This section should be a cumulative summary of technical achievements with newly added comments for the current reporting period highlighted.

Impact

State how the findings, results, or techniques developed in this project will continue to make an impact on the specific fields of research in this project and in other disciplines, which may include training and educational experiences; human resource development in science, engineering, and technology; technology transfer; and societal impacts.

Project Schedule Status

Provide a narrative summary of the status of tasks with respect to the plan for the quarter and tranche. If deviations from the schedule are noted, describe the impacts and mitigation alternatives that are in place or planned in the Changes/Problems section below.

Tranche Status

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Provide a summary of the project expenditures and costs with respect to the plan for the quarter and tranche. If applicable, describe the variance, associated impacts, and mitigation alternatives that are in place or planned in the Changes/Problems section below.

Changes/Problems

Include any planned or anticipated changes to scope, schedule, or budget. Proposed award modifications noted solely within a Performance Report do not constitute a proposed award modification. Significant changes to the award scope, schedule, and budget must be submitted to the Grants Management Specialist/Contract Specialist and the Project Officer and must be approved by the Contracting Officer/Grants and Agreements Officer. If there is nothing significant to report during this reporting period, state "Nothing to Report."

Key Personnel Changes

Describe planned or actual changes in principal investigator, business contacts, or senior/key personnel and the impact to achieving project objectives.

Scope Issues

Describe issues with completing the required project scope identified in the SOPO/SOW, the impacts to achieving project objectives and program goals if applicable, and proposed mitigation alternatives. The quantitative impact to achievement of Technical Milestones and Go/No Go decision points and key deliverables should also be addressed.

Schedule Issues

Describe issues with achieving the planned activities identified in the project schedule and the impact to the award tranche end dates and the overall award period of performance. The quantitative impact to the timing of Technical Milestones and Go/No Go decision points, and key deliverables should also be addressed.

Budget Issues

Describe changes during the reporting period that may have a significant positive or negative impact on expenditures or the overall budget.

3. Special Reporting

Respond to any special reporting requirements specified in the award Terms and Conditions, as well as any award specific reporting requirements outlined in the FARC Special Instructions.

B. Performance Report Quantitative (PRQ)

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| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov/ |
| Submission deadline: | Within 30 calendar days after the end of the quarterly reporting period (January 30, April 30, July 30, October 30) |

Every quarter, the prime recipient is required to submit a Performance Report Narrative (PRN) and a Performance Report - Quantitative (PRQ) for the project. Together these two documents summarize the entirety of work performed by the prime recipient, subrecipients, and contractors. The Performance Report - Narrative contains qualitative information on the project progress. The Performance Report - Quantitative captures quantitative information on the project progress. The PRQ must include the following information. Your DOE project team will provide a form for submission.

1. Organizations

Identify all subrecipients, contractors, U.S. National Laboratories, partners, and collaborating organizations. Recipients must also include all foreign collaborators as outlined in the Foreign Collaboration Considerations term of the award Terms and Conditions. For each, provide name, UEI, zip code or latitude/longitude, role in the project, contribution to the project, and start and end date.

2. Tasks and Milestones

Enter all tasks and milestones identified in your Statement of Project Objectives (SOPO), Community Benefits Plan (CBP), and Cybersecurity Plan. Each quarter, update the status of the task/milestone, the physical percent complete, and, when applicable, the actual month complete.

3. Contractual Cost Summary

For each subrecipient and contractor working on the project (excluding FFRDCs), provide a summary of the work, approved budget, and actual expenses.

4. Cost Summary

Using your approved budget, enter the project costs by budget category and report actual expenses each quarter. Also include budgeted and actual recipient cost share.

5. Spend Plan

For both federal and recipient cost share, enter the planned spending for the entire project period. Planned spend means when the project team anticipates incurring costs. Each quarter, update with actual federal and recipient spend.

6. Earned Value Management

When required by your DOE project team, complete the table for Earned Value Management.

7. Products

What has the project produced?

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List any products resulting from the project during the reporting period. Specific product submission instructions can be found in [Scientific and Technical Reporting](#). Examples of products include: publications, conference papers, and presentations; website(s); technologies or techniques; inventions, patent applications, and/or licenses; and other products, such as data or databases, physical collections, audio or video products, software or NetWare, models, educational aids or curricula, instruments or equipment, research material, interventions (e.g., clinical or educational), new business creation or any other public release of information related to the project.

a. Publications, conference papers, and presentations

Report the publication(s) resulting from the work under this award.

Please note: Recipients must use the DOE acknowledgement and legal disclaimer language as described in the Special Terms and Conditions.

The recipient is reminded that all data produced under the award should comply with the award's data management plan (DMP). The DMP provides a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publication. At a minimum, the DMP (1) describes how data sharing and preservation will enable validation of the results from the proposed work, how the results could be validated if data are not shared or preserved and (2) has a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publications.

i. Accepted Manuscript(s) of Journal Article

List peer-reviewed articles or papers that have been submitted for publication in scientific, technical, or professional journals. Include any paper submitted for peer-reviewed publication in the periodically published proceedings of a scientific society, a conference, or the like. A publication in the proceedings of a one-time conference, not part of a series, should be reported under "Books or other non-periodical, one-time publications."

Identify for each publication: Author(s); title; journal; volume: year; page numbers; status of publication (published; accepted, awaiting publication; submitted, under review; other); acknowledgement of federal support (yes/no); legal disclaimer language (yes/no). Also see instructions under II.

Scientific/Technical Reporting regarding the submission of accepted manuscripts and other STI as appropriate.

ii. Books or other non-periodical, one-time publications

Report any book, monograph, dissertation, abstract, or the like published as or in a separate publication, rather than a periodical or series. Include any significant

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publication in the proceedings of a one-time conference or in the report of a one-time study, commission, or the like.

Identify for each one-time publication: author(s); title; editor; title of collection, if applicable; bibliographic information; year; type of publication (book, thesis or dissertation, other); status of publication (published; accepted, awaiting publication; submitted, under review; other); acknowledgement of federal support (yes/no); legal disclaimer language (yes/no).

iii. Other publications, conference papers and presentations

Identify any other publications, conference papers and/or presentations not reported above. Specify the status of the publication as noted above.

b. Website(s)

List the URL for any Internet site(s) that disseminates the results of the research activities. A short description of each site should be provided. It is not necessary to include the publications already specified above in this section.

c. Technologies or techniques

Identify technologies or techniques that have resulted from the research activities. Describe the technologies or techniques and how they are being shared.

d. Inventions, patent applications, and/or licenses

Identify inventions, patent applications with date, and/or licenses that have resulted from the research. Submission of this information as part of an interim report or Final Technical Report is not a substitute for any other invention reporting required under the terms and conditions of an award.

e. Other products

Identify any other significant products that were developed under this project. Describe the product and how it is being shared. Examples of other products are: Data or databases; Physical collections; Audio or video products; Software or NetWare; Models; Educational aids or curricula; Instruments or equipment; Research material (e.g., germplasm, cell lines, DNA probes, animal models); Interventions (e.g. clinical, educational); new business creation; and Other.

8. Participants

The following information on participants (individuals) was provided during award negotiations. On a quarterly basis, provide updates as needed. For most projects, recipients must identify and provide specific information for the following individuals at the prime and subrecipient level: (1) all senior and key personnel (including project director(s)/principal investigator(s)); and (2) each person who has worked or is expected to work at least 160 hours on the project at least one person month per year on the project regardless of the source of compensation (a person month equals approximately

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160 hours of effort). In limited circumstances, typically large-scale construction projects, recipients are only required to report on (1) senior and key personnel for the prime recipient and subrecipients. Please refer to the Participants and Other Collaborating Organizations Term in your award Terms and Conditions to determine what level of reporting is required for your specific award.

a. What individuals have worked on the project?

Provide the following information for individuals at the prime recipient and subrecipient level: (1) all senior and key personnel; and (2) each person who has worked or is expected to work at least one person month per year on the project regardless of the source of compensation (a person month equals approximately 160 hours of effort).

- i. Name
- ii. Organization
- iii. Job Title
- iv. Role in the project
- v. Start and end date (month and year) working on the project
- vi. State, U.S. territory, and/or country of residence
- vii. Whether this person collaborated with an individual or entity located in a foreign country in connection with the scope of this Award, and
- viii. If yes to a.vii, whether the person traveled to the foreign country as part of that collaboration, and, if so, where and what the duration of stay was.

9. Special Reporting Requirements

Respond to any special reporting requirements specified in the award terms and conditions, as well as any award specific reporting requirements.

C. Financial Report SF-425 Federal Financial Report

| | |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov/ |
| Submission deadline: | Within 30 calendar days after the end of the quarterly reporting period (January 30, April 30, July 30, October 30) and within 120 calendar days after expiration or termination of the award |

Every quarter, the prime recipient is required to submit a completed SF-425 for the project to DOE, covering the entirety of work performed by the prime recipient, subrecipients, and contractors – to DOE. A fillable version of the SF-425 is available at [Post-Award Reporting Forms | GRANTS.GOV](#).

D. Scientific and Technical Reporting

The dissemination of scientific and technical information (STI) ensures public access to the results of federally funded research. STI refers to information products in any medium or format used to convey results, findings, or technical innovations from research and development or other scientific and technological work that are prepared with the intention

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of being preserved and disseminated in the broadest sense applicable (i.e., to the public or, in the case of controlled unclassified information or classified information, disseminated among authorized individuals). By properly submitting STI to DOE Energy Link System (E-Link), the information will be made available to the public through OSTI.GOV.

NOTE: SCIENTIFIC/TECHNICAL PRODUCTS INTENDED FOR PUBLIC RELEASE MUST NOT CONTAIN PROTECTED PERSONALLY IDENTIFIABLE INFORMATION (PII). Please refer to Appendix A for more information.

1. Accepted Manuscript of Journal Article

| | |
|----------------------|--------------------------------------------------------------------------------------------------------------------------|
| Submit to: | DOE Energy Link System (E-Link) available at http://www.osti.gov/elink-2413 |
| Submission deadline: | No later than the published online date of the article |

Public access to scholarly publications is enabled by providing the Accepted Manuscript (AM) of the Journal Article to DOE OSTI and is consistent with the U.S. Government's retained license to published results of federally-funded research. If the recipient has a journal article accepted for publication which includes information/data produced under the award, then the recipient must submit an AN 241.3, as described below, no later than the published online date of the article.

Content. The recipient is to provide the final peer-reviewed AM, i.e., the version of a journal article that has been peer reviewed and accepted for publication in a journal. Do NOT submit the journal's published version of the article, i.e., do NOT submit a copyrighted reprint.

DOE will make no additional review of the content of the AM because the AM is the version of the journal article with the content to be published (i.e., publicly released) by the journal publisher.

The recipient must self-certify at the time of submission to DOE via E-Link that the content is appropriate and that it is not a copyrighted reprint, i.e., the final version of the published article. Recipients are reminded that the article is to include an acknowledgement of federal support and a legal disclaimer as required in the "Publications" Term in the award Special Terms and Conditions.

The recipient is also reminded that all data produced under the award should comply with the award's data management plan (DMP). The DMP provides a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publication. At a minimum, the DMP (1) describes how data sharing and preservation will enable validation of the results from the proposed work, how the results could be validated if data are not shared or preserved and (2) has a

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plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publications.

Electronic Submission Process. The AM of the Journal Article must be provided electronically via the DOE Energy Link System (E-Link) and must be accompanied by a completed DOE Announcement Notice (AN) 241.3 (<http://www.osti.gov/elink-2413>).

2. Conference Product(s)

| | |
|----------------------|--------------------------------------------------------------------------------------------------------------------------|
| Submit to: | DOE Energy Link System (E-Link) available at http://www.osti.gov/elink-2413 |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |

The recipient must submit a copy of any scientific/technical conference papers, proceedings, or presentations.

Content: The content should include a copy of the paper, presentation, or proceeding and: (1) name of conference; (2) location of conference; (3) date of conference; and (4) conference sponsor. Also include an acknowledgement of federal support and a legal disclaimer as described in the Special Terms and Conditions.

Electronic Submission Process: Scientific/technical conference proceedings, papers/presentations or must be submitted via the DOE Energy Link System (E-Link) with a completed DOE Announcement Notice (AN) 241.3 (<https://www.osti.gov/elink-2413>).

The recipient is responsible for ensuring the suitability of the content for public release. The terms and conditions of award provide that submissions must not contain any Protected Personally Identifiable Information (PII), limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release.

3. Technical Report(s)

| | |
|----------------------|--------------------------------------------------------------------------------------------------------------------------|
| Submit to: | DOE Energy Link System (E-Link) available at http://www.osti.gov/elink-2413 |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |

The recipient must submit a copy of any scientific/technical reports.

Content: The content should include a copy of the report as well as an acknowledgement of federal support and a legal disclaimer as described in the Special Terms and Conditions.

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Electronic Submission Process: Scientific/technical reports must be submitted via the DOE Energy Link System (E-Link) with a completed DOE Announcement Notice (AN) 241.3 (<https://www.osti.gov/mlink-2413>).

The recipient is responsible for ensuring the suitability of the content for public release. The terms and conditions of award provide that submissions must not contain any Protected Personally Identifiable Information (PII), limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release.

4. Software & Manual(s)

| | |
|----------------------|-------------------------------------------------------------------------------------|
| Submit to: | DOE CODE: https://www.osti.gov/doecode/ |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |

The recipient must submit all software deliverables created under the award, as well as any accompanying documentation or manuals.

DOE CODE is DOE's software services platform for submitting and searching for software resulting from DOE-funded research. Through submission to DOE CODE, users have the option to obtain a Digital Object Identifier (DOI) for the code, making it more easily discoverable, citable, and shared.

Content. When a recipient submits software to OSTI through DOE CODE, a set of required metadata elements and a link to the software repository must be provided.

Submission Process. Recipients will submit software by going to <https://www.osti.gov/doecode/>. Before submissions can be made, the recipient will be required to create an account. The recipient may create an account by visiting the top right of the DOE CODE homepage. Once the account is created, submissions may be made through the submit software/code link on the homepage. For more information about DOE CODE please visit <https://www.osti.gov/doecode/faq>.

5. Dataset(s)

| | |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | DOE Energy Link System (E-Link) available at https://www.osti.gov/mlink/241-6-submission.jsp |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |

Scientific/technical datasets (data-streams, data files, etc.) support the technical reports and published literature resulting from DOE-funded research. They are also recognized as valuable information entities in their own right that, now and in the future, need to

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be available for citation, discovery, retrieval, and reuse. The assignment and registration of a Digital Object Identifier (DOI) is a free service for DOE-funded researchers which is provided by OSTI to enhance access to this important resource. In order to obtain a DOI, provide to OSTI the specific data elements relevant to the dataset, as specified in DOE AN 241.6.

Content. If the recipient generates publicly available datasets resulting from work funded by DOE, they may announce these datasets to OSTI and have them registered with DataCite to obtain a DOI, which ensures long-term linkage between the DOI and the dataset's location. To register and publicly announce a dataset, the recipient must provide an AN 241.6, including the required data elements needed for describing the dataset. Note: Do NOT submit the dataset itself, only the metadata for registering the dataset, obtaining a DOI, and announcing its availability.

Electronic Submission Process. Notification of scientific datasets must be submitted electronically via the DOE Energy Link System (E-Link) and must be accompanied by a completed DOE Announcement Notice (AN) 241.6 (<https://www.osti.gov/mlink/241-6-submission.jsp>). Within the AN 241.6, provide relevant information about the dataset as well as the URL where the dataset can be accessed.

6. Other STI (Dissertation / Thesis, etc.)

| | |
|----------------------|-----------------------------------------------------------------------------|
| Submit to: | http://www.osti.gov/mlink-2413 |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |

Recipients are encouraged to announce other forms of STI especially if they are the primary means by which certain research results are disseminated or if they contain research results not already announced to DOE by the recipient in technical reports, accepted journal articles, conference products, software, and datasets.

Other types of scientific and technical information produced which may be used for public dissemination of project results include: dissertation/thesis, patent, book, or other similar products. These types of STI may also be announced using DOE AN 241.3 by following instructions on the E-Link website (<http://www.osti.gov/mlink-2413>).

E. Intellectual Property Reporting

1. Intellectual Property Reporting

| | |
|----------------------|----------------------------------------------------------------|
| Submit to: | http://www.iEdison.gov |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |

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iEdison requires a login and password. If the recipient's organization does not already have an iEdison administrator account, the recipient may register for one at: [iEdison Registration](#).

In accordance with the patent rights clause of the award, the recipient and subrecipient(s), if any, must complete the following intellectual property reports in iEdison when applicable:

Disclosing a subject invention, including anticipated uses and sales (use iEdison's Invention Report);

Reporting publications, manuscript submissions, or other public disclosures concerning a subject invention (add documents to the Invention Report);

If authorized by the award agreement, electing (or declining) to retain title to a subject invention (modify the Invention Report and input "Title Election Date" or "Not Elect Title Reason");

Disclosing the filing or termination of patent applications on a subject invention (i.e., patent applications disclosing or claiming a subject invention). Patent disclosures must be made (using iEdison's Patent Report) for filing the following patent applications:

- An initial domestic patent application (including provisional or non-provisional);
- A domestic divisional or continuation patent application;
- A domestic continuation-in-part application; and
- A foreign patent application.

Discontinuing prosecution of a patent application, maintenance of a patent, or defense in a patent reexamination or opposition proceeding, regardless of jurisdiction (modify the Patent Report); and,

Requesting an extension of time to:

- Elect (or decline) to retain title to a subject invention (modify the Invention Report); and
- File an initial domestic or foreign patent application (modify the Invention Report).

Failure to submit Intellectual Property Reporting Forms in a timely manner may result in forfeiture of the recipient's or subrecipient's rights in the subject inventions and related patent applications.

2. Invention Utilization Report

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| | |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | http://www.iEdison.gov |
| Submission deadline: | For each subject invention, reports are due annually once the recipient or subrecipient elects to retain title to the subject invention and must continue to be provided for 10 years thereafter |

The recipient and subrecipient(s) must provide Invention Utilization Reports for each subject invention that the recipient or subrecipient retains ownership. Reports are due annually starting one year after the recipient or subrecipient elects to take title and must continue to be provided for 10 years thereafter or until the recipient or subrecipient informs DOE in writing that it no longer wants to retain title in the subject invention. Failure to submit Invention Utilization Reports in a timely manner may result in forfeiture of the recipient's or subrecipient's rights in the subject inventions.

F. Project Management Plan (PMP)

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within six (6) weeks of the effective date of the award |

Iterations and Maintenance

The recipient is required to develop, update, and adhere to a project management plan. The purpose of the plan is to establish cost, schedule, and technical performance baselines, and to formalize the processes by which the project will be managed. These processes include considerations such as risk management, change management, and communications management. While it is primarily the project recipient's responsibility to maintain the plan, federal staff may request changes. The plan is intended to be a living document, modified as necessary, and comprising the following iterations:

Application Draft

The recipient must submit a draft of the project management plan with the initial application for financial assistance.

Negotiation Draft

The selected recipient may be required by the selecting Office to revise its project management plan during the negotiation phase.

Active Plan

Following formal award of the financial assistance agreement, the recipient must submit an updated project management plan, to include any changes requested during negotiation and a timeline based upon the actual award date.

1. Revised Plan(s)

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During the life of the project the recipient must submit a revised project management plan based on the following circumstances:

- a. Developments that have a significant favorable impact on the project.
- b. Problems, delays, or adverse conditions which materially impair the recipient's ability to meet the objectives of the award or which may require the program office to respond to questions relating to such events from the public. Specifically, the recipient must update the plan when any of the following incidents occur:
 - i. Any event which is anticipated to cause significant schedule or cost changes, such as changes to the funding and costing profile or changes to the project timeline.
 - ii. Any change to Technology Readiness Level.
 - iii. Any significant change to risk events (including both potential and realized events) or to risk management strategies.
 - iv. Failure to meet a milestone or milestones; any dependencies should be adjusted.
 - v. Any changes to partnerships.
 - vi. Any significant change to facilities or other project resources.
 - vii. Any other incident that has the potential for high visibility in the media.

2. Content of revised PMP

Project Title: The DOE award number and project title

Recipient Organization: Official name of the recipient organization

Principal Investigator: The name and title of the project director/ principal investigator

Date of Plan: The date the plan or plan revision was completed

The revised PMP must describe changes to any of the following sections of the PMP as well as provide updated versions of any logs, tables, charts, or timelines.

a. Executive Summary:

Provide a description of the project that includes the objective, project goals, and expected results. The description should include a high-level description of the technology, potential use or benefit of the technology, location of work sites and a brief discussion of work performed at each site, along with a description of project phases (if the project includes phases).

b. Technology Readiness Levels (TRLs):

Identify the readiness level of the technology associated with the project as well as the planned progression during project execution. A detailed explanation of the rationale for the estimated technology readiness level should be provided. Specific entry criteria for the next higher technology readiness level should be identified.

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c. Risk Management:

Provide a summary description of the proposed approach to identify, analyze, and respond to potential risks associated with the proposed project. Project risk events are uncertain future events that, if realized, impact the success of the project. At a minimum, include the initial identification of significant technical, resource, and management issues that have the potential to impede project progress and strategies to minimize impacts from those issues. The risk management approach should be tailored to the TRL. If a project or task is expected to progress to a higher TRL, then the risk plan should address the retirement of any risks associated with the first TRL and identify new risks related to moving to the next TRL. Additionally, the risk management approach should include risk opportunities that if realized, could benefit the project.

d. Milestone Log:

Provide milestones for each tranche (or phase) of the project. Each milestone should include a title and planned completion date. Milestones should be quantitative (e.g., a date, a decision to be made, a key event) and show progress toward tranche and/or project goals. Milestones should also be important and few. Higher TRL projects (Demonstration and Deployment) typically have the most detailed milestone logs compared to lower TRL level projects (Research and Development). If applicable, milestones chosen should clearly reflect progress through various TRL stages.

Note: The Milestone Status must present actual performance in comparison with the Milestone Log, and include:

- The actual status and progress of the project,
- Specific progress made toward achieving the project's milestones, and
- Any proposed changes in the project's schedule required to complete milestones.

e. Funding and Costing Profile:

Provide a table (the Project Funding Profile) that shows, by tranche, the amount of government funding going to each project team member. Also, a table (the Project Costing Profile) which projects, by month, the expenditure of both government and recipient funds for the first tranche, at a minimum. The Funding and Costing Profile should show the relationships with the Milestone Log (Item d above) and Project Timeline (Item f below); for example, Funding and Costing information could be shown as an overlay on milestone or timeline charts.

f. Project Timeline:

Provide a timeline of the project (similar to a Gantt chart) broken down by each task and subtask, as described in the Statement of Project Objectives. The timeline should include a start date and end date for each task, as well as interim milestones. The timeline should also show interdependencies between tasks and include the milestones that are identified in the Milestone Log (Item d above). The timeline should also show the relationship to the Project Costing Profile (Item e above). If

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applicable, the timeline should include activities and milestones related to achieving succeeding TRLs.

g. Success Criteria at Decision Points:

Provide well-defined success criteria for each decision point in the project, including go/no-go decision points and the conclusions of tranches and the entire project. The success criteria should be objective and stated in terms of specific, measurable, and repeatable data. Usually, the success criteria pertain to desirable outcomes, results, and observations from the project. Key milestones can be associated with success criteria. If applicable, the success criteria should include exit criteria for progressing from one TRL to the next.

h. Key Partnerships, Teaming Arrangements and Team Members:

Provide a list of key team members in the project as well as the role and contact information of each. A hierarchical project organization and structure chart should be provided along with a description of the role and responsibilities of each team member in terms of contribution to project scope. The section should also include key team members who fulfill single or multiple roles within a project as well as the contact information for each.

i. Facilities and Resources:

Provide a list of project locations along with a discussion of capabilities and activities performed at each site in terms of contribution to project scope. The address of each work site should be provided.

j. Communications Management:

Describe the communications needs and expectations for the project team members. The communications plan may be simple or detailed, depending on the complexity of the project. At a minimum, the plan should include contact information, methods of communicating and anticipated frequency.

k. Change Management:

Provide a description of the process for managing change on the project. Describe how change will be monitored, controlled and documented within the project. This includes, but is not limited to, changes to the Scope, Schedule, and Budget. If applicable, Change Management should include assessing how changes impact TRLs.

G. Special Status Reports

| | |
|----------------------|---------------------------------------------------------------------------------------------------------|
| Submit to: | Submit by email to Project Officer and to https://page.energy.gov |
| Submission deadline: | As specified, see instructions below, submit either in 48 hours or 5 business days. |

Problems, delays, or adverse conditions which materially impair the recipient's ability to meet the objectives of the award or which may require DOE to respond to questions

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relating to such events from the public. The recipient must report any of the following incidents and include the anticipated impact and remedial action to be taken to correct or resolve the problem/condition.

Within forty-eight (48) hours, provide notification to the DOE Project Officer by email, with a copy to the cognizant Contracting Officer/Grants and Agreements Officer, the following events:

1. Any fatality, injury, or illness that results in loss of consciousness or requires medical treatment beyond first aid involving an employee, or member of the public.
2. An imminent or actual environmental contamination or the need for environmental cleanup (including, but not limited to, contamination or cleanup resulting from an accident connected to or arising from the presence, leakage or spill of hazardous materials) in accordance with National Environmental Policy Act 42 USC §§4321, et seq. Examples of due care may include, but are not limited to, visual site inspection of any portions of the property where environmental contamination is likely or suspected, or other reasonable measures. Such notice must be made to DOE following any immediate mitigation efforts, as appropriate, and contacts made to requisite agencies.
3. Actual physical property damage in excess of \$50,000.

Within 48 hours, the recipient is responsible for reporting cybersecurity incident(s) as follows,

4. The recipient is responsible for identifying a cybersecurity incident. In general, a cybersecurity incidents is identified as any incident that may cause financial harm or loss of intellectual property created or supported in performance of the award, including malware and ransomware attacks; affecting operations or the security of, or access to, data, including disruption of both physical operations and business operations for a duration greater than one (1) hour or any Cybersecurity incidents that have national security implications.

Once identified, the Recipient is responsible for reporting Cybersecurity incidents to the [Cyber Incident mailbox](#) within 48 hours of the incident. The recipient sends a password protected document via email attachment that includes the date and time of the incident, a high-level description of the incident, a summary of the known impacts, and current and planned mitigation activities. The recipient sends a second email to the [Cyber Incident mailbox](#) including the password to the protected document.

Within 5 business days, submit to <https://page.energy.gov>

5. If the recipient or project team member receives any other award of federal funds for activities that potentially overlap with the activities funded under the DOE award, the recipient must promptly notify DOE in writing of the potential overlap and state whether project funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items under the DOE award;

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6. Any change in ownership or control of the recipient or project team member which increases the percentage of ownership or control by an entity that is based in, funded by, or has a foreign affiliation with a foreign country of risk;
7. If an individual on the project team is or is believed to be participating in a foreign government-sponsored talent recruitment program of a foreign country of risk.
8. If the recipient is considering new collaborations with foreign entities and governments, the recipient must provide written notification to DOE and await further guidance from DOE prior to contacting the proposed foreign entity or government regarding the potential collaboration or negotiating the terms of any potential agreement. In general, a collaboration will involve some provision of a thing of value to, or from, the recipient. A thing of value includes but may not be limited to all resources made available to, or from, the recipient in support of and/or related to the DOE award, regardless of whether or not they have monetary value. Things of value also may include in-kind contributions (such as office/laboratory space, data, equipment, supplies, employees, students). In-kind contributions not intended for direct use on the DOE award but resulting in provision of a thing of value from or to the DOE award must also be reported.
9. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk;
10. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a country of risk or foreign entity based in a country of risk;
11. Any current or pending venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
12. Any current or pending technology licensing or intellectual property sales to a foreign country of risk; and
13. Any current or pending foreign business entity, offshore entity, or entity outside the United States related to the Recipient or subrecipient.
14. Potential or actual violations of environmental, health, or safety laws and regulations, any significant environmental permit violation, and any incident which causes a significant process or hazard control system failure;
15. Any incident arising out of or relating to work under the award that has the potential for high visibility in the media;
16. Potential or actual violations of federal, state, and municipal laws arising out of or relating to work under the award;
17. Potential or actual noncompliance with DOE reporting requirements under the award;
18. Potential or actual bankruptcy/insolvency of the prime recipient or subrecipient;
19. Potential or actual violation of U.S. export control laws and regulations arising out of or relating to the work under the award;
20. Any notices or claims of patent or copyright infringement arising out of or relating to the performance of the DOE award;
21. Refusal of a subrecipient to accept flow down requirements in the Special Terms and Conditions and/or any Attachment to the DOE award;

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- 22. Any improper claims or excess payments arising out of or relating to work under the award;
- 23. Potential or actual violations of the cost share requirements under the award;
- 24. Potential or actual violations of the lobbying restrictions in the award;
- 25. Any event which is anticipated to cause a significant schedule slippage or cost increase; and,
- 26. Developments that have a significant favorable impact on the project.

H. Continuation Application

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |

A continuation application is a non-competitive application for an additional tranche of funding within a previously approved period of performance. The continuation application should be submitted at to DOE 90 days prior to achieving these deliverables and/or milestones for review and approval. An awardee not meeting the targets must provide an improvement plan in its continuation application for how it will improve program performance to meet the next tranche's targets. DOE approval is required to move to the next tranche and for funds to be released. As a result of this evaluation, DOE may, at its discretion, authorize the following actions: (1) continue to fund the project, contingent upon the availability of funds appropriated by Congress for the purpose of this program; (2) place a hold on federal funding for the project, pending further supporting data or funding; or (3) discontinue funding the project because of insufficient progress, change in strategic direction, or lack of funding.

I. Other (see Special Instructions)

| | |
|----------------------|-------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov/ |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |

II. Award Management Reporting

A. Current and Pending Support

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|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within thirty (30) calendar days only when there is a change to Current and Pending Support (i.e., new PI or senior/key personnel join the project or there are changes to previously submitted current and pending disclosures for this Award) |

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Applicable for all awards issued after 10/01/2021. For awards issued prior to 10/01/21, refer to your award Terms and Conditions for applicability.

Prior to award, the Recipient was required to provide current and pending support disclosure statements for each principal investigator (PI) and senior/key personnel, at the recipient and subrecipient level, regardless of funding source. Throughout the life of the award, the Recipient must submit current and pending support disclosure statements and a CV or Biosketch for any new PI and senior/key personnel at the recipient and subrecipient level, added to the project funded under this Award within thirty (30) days of the individual joining the project. In addition, if there are any changes to current and pending support disclosure statements previously submitted to DOE, the Recipient must submit updated current and pending disclosure statements within thirty (30) days of the change. The Recipient must ensure all PIs and senior/key personnel at the recipient and subrecipient level, are aware of the requirement to submit updated current and pending support disclosure statements to DOE.

If there has been a change that would prompt the submission of a new or updated current and pending support disclosure, the instructions to complete the new or updated disclosure is listed below.

Current and pending support is intended to allow the identification of potential duplication, overcommitment, potential conflicts of interest or commitment, and all other sources of support. All PIs and senior/key personnel at the recipient and subrecipient level must provide a list of all sponsored activities, awards, and appointments, whether paid or unpaid; provided as a gift with terms or conditions or provided as a gift without terms or conditions; full-time, part-time, or voluntary; faculty, visiting, adjunct, or honorary; cash or in-kind; foreign or domestic; governmental or private-sector; directly supporting the individual's research or indirectly supporting the individual by supporting students, research staff, space, equipment, or other research expenses. All foreign government-sponsored talent recruitment programs must be identified in current and pending support.

For every activity, list the following items:

- The sponsor of the activity or the source of funding.
- The award or other identifying number.
- The title of the award or activity. If the title of the award or activity is not descriptive, add a brief description of the research being performed that would identify any overlaps or synergies with the proposed research.
- The total cost or value of the award or activity, including direct and indirect costs and cost share. For pending proposals, provide the total amount of requested funding.
- The award period (start date – end date).
- The person-months of effort per year being dedicated to the award or activity.
- Identify any overlap, duplication of effort, or synergistic efforts, with a description of the other award or activity to the current and pending support.

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- Details of any obligations, contractual or otherwise, to any program, entity, or organization sponsored by a foreign government must be provided to DOE.

All PIs and senior/key personnel must provide a separate disclosure statement listing the required information above regarding current and pending support. The individual must sign and date their respective disclosure statement and include the following certification statement:

I, [Full Name and Title], certify to the best of my knowledge and belief that the information contained in this Current and Pending Support Disclosure Statement is true, complete and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729-3730 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to DOE's funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.

The information may be provided in the format approved by the National Science Foundation (NSF), which may be generated by the Science Experts Network Curriculum Vita (SciENCv), a cooperative venture maintained at <https://www.ncbi.nlm.nih.gov/sciencv/>, and is also available at <https://www.nsf.gov/bfa/dias/policy/nsfapprovedformats/cps.pdf>. The use of a format required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats. If the NSF format is used, the individual must still include a signature, date, and a certification statement using the language included in the paragraph above.

B. Demographic Reporting

| | |
|----------------------|---------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Within 30 days after issuance of award |

DEMOGRAPHIC INFORMATION FOR SIGNIFICANT CONTRIBUTORS

Demographic data (i.e., gender, ethnicity, race, and disability status) should be provided directly by the Principal Investigator and Business Contact with the understanding that the submission of this report is mandatory for awards made after 03/01/2022. There are no adverse consequences for responding "Do not wish to provide" in any question. Principal Investigators and Business Contacts of awards made prior to 03/01/2022 are encouraged, but not required, to submit demographic reporting. Confidentiality of demographic data will be in accordance with agency's policy and practices for complying with the requirements of

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the Privacy Act. Demographic Reporting is submitted via PAGE document library in a document created by the awardee and includes the questions outlined below.

Gender:

- ☐ Male
- ☐ Female
- ☐ Do not wish to provide

Ethnicity:

- ☐ Hispanic or Latina/o
- ☐ Not-Hispanic or not-Latina/o
- ☐ Do not wish to provide

Race (select one or more):

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Native Hawaiian or other Pacific Islander
- ☐ White
- ☐ Do not wish to provide

Disability Status:

- ☐ Yes (check yes if any of the following apply to you)
 - ☐ Deaf or serious difficulty hearing
 - ☐ Blind or serious difficulty seeing even when wearing glasses
 - ☐ Serious difficulty walking or climbing stairs
 - ☐ Other serious disability related to a physical, mental, or emotional condition.
- ☐ No
- ☐ Do not wish to provide

This measure is designed as a binary measure; it encompasses all self-reported disabilities. Please do not use it to report the number of individuals who have different types of disabilities (e.g., hearing impairments).

Note: This construct is not designed to be used at an individual-level (i.e., it should not be used for determining accommodation needs or disability status for particular individuals associated with the project).

C. Financial Conflict of Interest Report

| | |
|----------------------|-----------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within 180 days of the date of the award and within thirty (30) calendar days only when there is a change |

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Prior to award, the Recipient was required to: 1) ensure all Investigators on this Award completed their significant financial disclosures; 2) review the disclosures; 3) determine whether a FCOI exists; 4) develop and implement a management plan for FCOIs; and 5) provide DOE with an initial FCOI report that includes all FCOIs (i.e., managed and unmanaged/unmanageable). Within 180 days of the date of the Award, the Recipient must be in full compliance with the other requirements set forth in DOE's interim COI Policy <https://www.energy.gov/management/departments-energy-interim-conflict-interest-policy-requirements-financial-assistance>. Further, the recipient must submit updated reports within 30 days of a change.

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under this Award. The term "Investigator" means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities, with the exception of DOE National Laboratories. Further, the Recipient must identify all financial conflicts of interests (FCOI), i.e., managed and unmanaged/unmanageable, in its initial and ongoing FCOI reports.

D. Tangible Personal Property Report – Annual Property Report (SF-428 & SF-428A)

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|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within 90 calendar days after the end of the annual reporting period |

The prime recipient must submit an annual inventory of federally-owned property (government-furnished) where the award specifies that title to the property vests with the federal government, whether it is in the possession of the prime recipient or subrecipient(s). The prime recipient must complete an SF-428 and SF-428A, available at [Post-Award Reporting Forms | GRANTS.GOV](#).

E. Tangible Personal Property Report – Disposition Request/Report (SF-428 & SF-428C)

| | |
|----------------------|---------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Within 5 calendar days of the event or as specified |

The prime recipient must request disposition instructions for or report disposition of federally-owned property or equipment acquired with project funds, whether the property or equipment is/was in the possession of the prime recipient or subrecipient(s). Recipients

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may also be required to provide compensation to the awarding agency when acquired equipment is sold or retained for use on activities not sponsored by the federal government. Any equipment with an acquisition cost above \$5,000 must be included in the inventory.

If disposition occurs at any time other than award closeout (i.e., at any time throughout the life of the project or after project completion and closeout as long as the federal government retains an interest in the item), the prime recipient must complete an SF-428 and SF-428C, available at [Post-Award Reporting Forms | GRANTS.GOV](https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html)

If disposition instructions are requested at the time of award closeout, the prime recipient must submit the SF-428 and SF-428B (see **III. Closeout Reporting**).

Only the DOE Contracting Officer has authority to approve disposition requests and issue disposition instructions.

F. Uniform Commercial Code (UCC) Financing Statements

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|----------------------|-----------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Within five (5) calendar days after the event, or as specified. |

If a for-profit recipient or subrecipient desires to purchase a piece of equipment for their project, and the per-unit dollar value of said equipment is \$5,000 or more, and the federal share of the financial assistance agreement is more than \$1M, the recipient or subrecipient must file a UCC financing statement.

A UCC financing statement provides public notice that the federal government has an undivided reversionary interest in the equipment, and as such the equipment cannot be sold or used as collateral for a loan (encumbered).

The for-profit recipient or subrecipient must file the UCC financing statement(s) with the Secretary of State where the equipment will be physically located and must pay any associated costs for such filings.

The initial UCC financing statement may also be referred to as a UCC1. For additional pieces of equipment not specified in the award budget, TBD equipment, or equipment needed in future tranches, the recipient can file an amendment to the original UCC1 financing statement, by submitting the UCC3 financing statement amendment.

Each UCC financing statement or amendment is to be filed with the appropriate Secretary of State office, where the equipment will be physically located.

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Note: All costs associated with filing UCC financing statements, UCC financing statement amendments, and UCC financing statement terminations, are allowable and allocable costs which can be charged to the federal award.

At a minimum, the recipient must have stated in their UCC financing statement in block 4. (collateral) the following:

- "Title to all equipment (not real property) purchased with federal funds under this financial assistance agreement is conditional pursuant to the terms of 2 CFR 910.360, and the federal government retains an undivided reversionary interest in the equipment at the federal cost-share proportion specified in the award terms and conditions."
- Federal Award Identification Number (e.g., DE-EE000XXXX)

G. Federal Subaward Reporting System (FSRS)

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|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | The prime recipient is required to file a FFATA sub-award report by the end of the month following the month in which the prime recipient awards any sub-grant greater than or equal to \$30,000. |

The Federal Subaward Reporting System (FSRS) is the reporting tool prime recipients use to capture and report subaward and executive compensation data regarding their first-tier subrecipients to meet the FFATA reporting requirements. Prime recipients will report against subrecipients' awards. The subrecipient information entered in FSRS will then be displayed on USASpending.gov associated with the prime recipient's award furthering federal spending transparency.

The prime recipient is required to file a FFATA sub-award report by the end of the month following the month in which the prime recipient awards any sub-award greater than or equal to \$30,000.

H. Annual Incurred Cost Proposals

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|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | <p>If DOE is the Cognizant Federal Agency, send the Annual Incurred Cost Proposal to one of the following offices:</p> <ul style="list-style-type: none"> • CostPrice@ee.doe.gov (if the Golden Field Office is Cognizant); OR • IndirectRates@hq.doe.gov (if OCED is Cognizant) • PricingGroup@netl.doe.gov (if NETL is Cognizant) <p>Otherwise, submit the proposal to the Recipient's appropriate Cognizant Federal Agency office.</p> |
| Submission deadline: | Within 180 calendar days after the close of the recipient's fiscal year* |

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| | *The end of the period of the performance, or closure of an award, does not dismiss this reporting requirement. |
|--|-----------------------------------------------------------------------------------------------------------------|

Prime recipients must submit a certified annual Incurred Cost Proposal (ICP), reconciled to its financial records, in order to finalize and reconcile billing rates incurred and billed to the Government.

An ICP submission is required unless one of the following conditions apply to the DOE award:

- Recipient elected to apply the 10% de minimis rate as allowed under 2 CFR 200.414(f); or
- Recipient has a pre-determined Negotiated Indirect Cost Rate Agreement (NICRA).

I. DOE For-Profit Compliance Audit

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|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | Email a copy of the annual DOE For-Profit Compliance Audit to: <ul style="list-style-type: none"> • DOE-Audit-Submission@hq.doe.gov and • The DOE Contracting Officer • For awards administered by OCED, also email a copy to RecipientAudits@hq.doe.gov • For awards administered by the DOE NETL Office, also email a copy to PricingGroup@netl.doe.gov |
| Submission deadline: | Within the earlier of 30 days after receipt of the auditor's report(s) or 9 months after the end of the audit period (recipient's fiscal year-end)* *The end of the period of the performance, or closure of an award, does not dismiss this reporting requirement. |

As required by 2 CFR 910, Subpart F, a For-Profit entity which expends \$750,000 or more during the non-federal entity's fiscal year in DOE awards must have a compliance audit conducted for that year.

The DOE For-Profit Compliance Audit must be conducted in accordance with the regulations at 2 CFR 910.500-521 and must refer to the appropriate regulations used by the auditor in their examination.

The compliance audit report must be submitted, along with audited financial statements, if required and available.

J. Single Audit: States, Local Government, Tribal Governments, Institution of Higher Education (IHE), or Non-Profit Organization

| | |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | Federal Audit Clearinghouse - https://harvester.census.gov/facweb/Default.aspx and https://page.energy.gov/ |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submission deadline: | Within the earlier of 30 days after receipt of the auditor's report(s) or 9 months after the end of the audit period (recipient's fiscal year-end)* *The end of the period of the performance, or closure of an award, does not dismiss this reporting requirement. |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

As required by 2 CFR 200 Subpart F, non-federal entities that expend \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted. The single audit must be conducted in accordance with §200.514 Scope of audit, except when it elects to have a program-specific audit conducted.

For most single audits, the requirement is for annual single audits. However, there are occasions where a single audit is not required annually. Per 2 CFR 200.504 - Frequency of audits, a state, local government, or Indian tribe that is required by constitution or statute to undergo its audits less frequently than annually, is permitted to undergo its audits biennially. Also, any nonprofit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its single audits biennially.

For a program-specific audit, when a recipient expends federal award funds under only one federal program (excluding R&D) and the federal program's statutes, regulations, or the terms and conditions of the federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted. A program-specific audit may not be elected for R&D unless all of the federal awards expended were received from the same federal agency, or the same federal agency and the same pass-through entity, and that federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

The single audit report shall include audited financial statements.

III. Closeout Reporting

A. Final Summary Report

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|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | DOE Energy Link System (E-Link) available at http://www.osti.gov/elink-2413 and https://page.energy.gov/ |
| Submission deadline: | Within 120 calendar days after expiration or termination of the award |

The prime recipient must submit a Final Scientific/Technical Report to DOE for all projects.

The scientific/technical report is intended to increase the diffusion of knowledge gained by DOE-funded research, and all requirements shall be interpreted in that light.

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Content: Research findings and other significant scientific and technical information (STI) resulting from the DOE-sponsored projects shall be included in the final scientific/technical report, subject to the following provisions:

1. The scientific/technical report is to cover the entire period of performance. For Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) awards, a final scientific/technical report must be submitted after the completion of each phase, e.g., Phase I, Phase II, and sequential Phase II, as described in the Special Instructions.
2. STI that is publicly accessible need not be duplicated in the report if a citation with a link to where the information may be found is included in the report. For example, articles found in PAGES (i.e., DOE's Public Access Gateway for Energy and Science, <http://www.osti.gov/pages/>) are accessible to the public.
3. Provide identifying information: the DOE award number; sponsoring program office; name of recipient; project title; name of project director/principal investigator; and consortium/team members.
4. Include the DOE acknowledgement and legal disclaimer language as described in the Special Terms and Conditions.
5. Include any limitations on public release of the report, if authorized by the award agreement. If the document being submitted contains patentable material or protected data (i.e., data first produced in the performance of the award that is protected from public release for a period of time by terms of the award agreement) as set forth in the award agreement, then (1) prominently display on the cover of the report any authorized distribution limitation notices, such as patentable material or protected data and (2) clearly identify patentable or protected data on each page of the report. Reports delivered without such notices or with restrictive notices not authorized by the award agreement may be deemed to have been furnished with unlimited rights, and the Government assumes no liability for the disclosure, use or reproduction of such reports. Any restrictive markings must also be noted in the distribution limitation section of the Announcement Notice (AN) 241.3. No protected PII should be included.
6. Provide an abstract or executive summary, which should be a minimum of one paragraph and written in terms understandable by an educated layperson. (Refer to <http://www.osti.gov/stip/standards> for ANSI/NISO guidance as needed.) The abstract included in an application may serve as a model for this.
7. Summarize project activities for the entire period of funding, including original hypotheses, approaches used, and findings. Include, if applicable, facts, figures, analyses, and assumptions used during the life of the project to support the results

Federal Assistance Reporting Checklist

in a manner that conveys to the scientific community the STI created during the project. To minimize duplication, the report may reference STI, including journal articles, that is publicly accessible. See also #2.

8. For guidance offered by the National Information Standards Organization on typical attributes and content of a technical report, if needed, refer to ANSI/NISO Z39.18-2005 (R2010), Scientific and Technical Reports – Preparation, Presentation, and Preservation (see <http://www.osti.gov/stip/standards>).

Electronic Submission Process: The final scientific/technical report must be submitted via the DOE Energy Link System (E-Link) with a completed electronic version of DOE Announcement Notice (AN) 241.3, "U.S. Department of Energy (DOE), Announcement of Scientific and Technical Information (STI)." The recipient can complete, upload, and submit the DOE AN 241.3 online via E-Link (<https://www.osti.gov/mlink-2413>).

The recipient must mark the appropriate block in the "Intellectual Property/Distribution Limitations" Section of the DOE AN 241.3. Reports that are electronically uploaded must not contain any limited rights data (proprietary data), classified information, protected PII, information subject to export control classification, or other information not subject to release. During the upload process, the recipient must self-certify that no content of this nature is being submitted. For assistance with reports containing such content, contact the Contracting Officer.

Federal Assistance Reporting Checklist

B. Invention Certification (DOE F 2050.11)

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Within 120 calendar days after expiration or termination of the award |

The prime recipient is required to submit an Invention Certification DOE F 2050.11. The Invention Certification form is available at <http://energy.gov/eere/funding/eere-funding-application-and-management-forms>.

The Invention Certification must include a list of all subcontracts at any tier containing a patent rights clause (or state that there were none).

C. Tangible Personal Property Report – Final Report (SF-428 & SF-428B)

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Within 120 calendar days after expiration or termination of the award |

The prime recipient must submit a final inventory of and request disposition instructions for any federally-owned property and/or property or equipment acquired with project funds with an acquisition cost above \$5,000, whether the property is/was in the possession of the prime recipient or subrecipients.

The prime recipient must complete an SF-428 and SF-428B, available at [Post-Award Reporting Forms | GRANTS.GOV](#).

If disposition occurs at any time other than award closeout, the prime recipient must complete an SF-428 and SF-428C (see IV. Other Reporting H. Property Disposition Request/Report).

Only the DOE Contracting Officer has authority to approve disposition requests and issue disposition instructions.

Federal Assistance Reporting Checklist

D. Verification of Receipt of Accepted Manuscripts

Recipients are required to submit Accepted Manuscripts of Journal Articles resulting in whole or in part from a DOE-funded project to E-Link (See section 1.C.1. Accepted Manuscript of Journal Article).

As part of the closeout process, DOE will verify that all accepted manuscripts have been submitted. Recipients are required to submit all missing accepted manuscript before closeout is finalized.

E. Other (see Special Instructions)

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Within 120 calendar days after expiration or termination of the award |

IV. Post-Project Reporting

A. Scientific and Technical Reporting

Scientific and Technical Reporting requirements as outlined in **I.C. Scientific and Technical Reporting** remain applicable after the award ends. If the recipient has created Scientific and Technical Information (STI) such as publications, conference products, technical reports, book chapters, etc. which include information/data produced under the award, they are required to submit this document to <https://www.osti.gov/elinek/forms.jsp>. Recipients must continue to include proper DOE Acknowledgement and Legal Disclaimer language in all STI. Please see section **I.C. Scientific and Technical Reporting** for additional information on submissions.

Note that after the project ends, recipients are no longer required to submit notification of STI directly to DOE.

B. Intellectual Property Reporting

Intellectual Property Reporting requirements as outlined in **I.D. Intellectual Property Reporting** remain applicable after the award ends.

Recipients are required to continue submitting intellectual property reports, as applicable, to iEdison <https://public.era.nih.gov/iedison>.

Note that after the project ends, recipients are no longer required to submit notification of intellectual property directly to DOE.

V. IRA Reporting

Federal Assistance Reporting Checklist

A. Community Benefits Report

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov/ |
| Submission deadline: | As Specified, within 30 calendar days after the end of the first quarterly reporting period; Yearly; within 90 calendar days after the end of the federal fiscal year and Final; within 120 calendar days after expiration or termination of the award. |

The Recipient must meet the stated objectives and milestones set forth in its Community Benefits Outcomes and Objectives, which is incorporated into the Award. A report on the Recipient's progress towards meeting the objectives and milestones must be reported annually. A Community Benefits Reporting Template is available <https://www.energy.gov/infrastructure/reporting-checklists> with the intent to reduce the administrative burden by promoting the use of common formats.

B. Boosting Domestic Manufacturing

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | As Specified , within 30 calendar days after the end of the first quarterly reporting period; Yearly ; within 90 calendar days after the end of the federal fiscal year and Final ; within 120 calendar days after expiration or termination of the award. |

1. Domestic Manufacturing & Critical Materials and Rare Earth Element Mining, Processing, Production & Recycling Capacity

This report applies to projects that support (i.e., construct, establish, retool, re-equip, or retrofit) manufacturing capacity as well as projects that support the mining, processing, production, or recycling of critical minerals or rare earth materials and elements. Recipients of such projects are required to report on direct domestic manufacturing capacity as well as critical materials and rare earth element mining, processing, production, or recycling capacity.

2. GHG Emissions & Air Pollutants

This report documents the increases and decreases in pollutants across the effective useful life of the project as well as GHG emissions created through mining, processing, production, or recycling operations projects and indirect changes in GHG emissions resulting from projects.

3. Equipment

Recipients must provide a list of all equipment in mining, processing, production or recycling facilities projects that emit pollutants or GHGs onsite in facilities listed in the mining processing & production or recycling tab.

C. Quality Job Creation

1. Direct Jobs

| | |
|------------|----------------------------------|
| Submit to: | Consult DOE Project Team for URL |
|------------|----------------------------------|

Federal Assistance Reporting Checklist

| | |
|----------------------|--------|
| Submission deadline: | Weekly |
|----------------------|--------|

This award is funded under Division D of the Bipartisan Infrastructure Law (BIL). All laborers and mechanics employed by the recipient, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2000 on an award funded directly by or assisted in whole or in part by funds made available under this award shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the "Davis-Bacon Act" (DBA).

The Recipient must ensure the timely electronic submission of weekly certified payrolls to a third-party DBA electronic payroll compliance software application unless a waiver is granted to a particular contractor or subcontractor because they are unable or limited in their ability to use or access the software.

2. Training Outcomes

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | As Specified , within 30 calendar days after the end of the first quarterly reporting period; Yearly ; within 90 calendar days after the end of the federal fiscal year and Final ; within 120 calendar days after expiration or termination of the award. |

This report on training and training outcomes is required for all projects requiring DBA compliance, those that discuss workforce development or training in statute, as well as any projects where recipients utilize a portion of their BIL funding on workforce development. Only career-track training that focuses on skill development or pathways into career-track training such as pre-apprenticeship should be tracked for this metric. Career-track training leads to an appropriate industry-recognized credential, professional qualification, or license. It teaches broad occupational knowledge and skills that can be applied across a range of technologies, leading to several different career paths. Continuing education allowing incumbent workers to keep up with the latest technology and practices, and to advance in their careers, is another important element of career-track training. This report will also track the number of workforce partnerships involving employers, community-based organizations (CBOs), or labor unions, including partnerships specified in community benefits agreements and project labor agreements, or similar.

Training Outcomes reporting shall be submitted in the form provided by the DOE Project Team.

3. Good Jobs Outcomes

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | As Specified , within 30 calendar days after the end of the first quarterly reporting period; Yearly ; within 90 calendar days after the end of the federal fiscal year and Final ; within 120 calendar days after expiration or termination of the award. |

Federal Assistance Reporting Checklist

This report is required of all recipients of BIL funding. To assess activities contributing to growing American jobs, improving the quality of energy jobs, and facilitating equitable access to good jobs and training opportunities, all BIL recipients must report annually on good jobs outcomes.

Good Jobs Outcomes reporting shall be submitted in the form provided by the DOE Project Team.

4. Permanent Jobs

| | |
|----------------------|-------------------------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Quarterly; within 30 calendar days after the end of the federal fiscal year quarter |

All BIL funding recipients who are creating ongoing operations, maintenance, and production jobs should report the number of hires for each reporting period and associated demographic information.

Permanent Jobs reporting shall be submitted in the form provided by the DOE Project Team

D. Equity and Justice

| | |
|----------------------|-------------------------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Quarterly; within 30 calendar days after the end of the federal fiscal year quarter |

There are three reports associated with Equity and Justice. All three reports are included on the same form provided by the DOE Project Team. While the reports are included on the same form, some recipients may not need to complete all three. Refer to the checklist at the beginning of this document for applicability.

Equity and Justice reporting shall be submitted in the form provided by the DOE Project Team.

1. Community Engagement Process

This report applies to all projects that include building, expanding, or retrofitting a facility. Recipients should report on engagement activities such as participatory research, citizen advisory committees, open planning forums, etc. and the outputs of those activities such as memorandums of understanding, letters of support, etc. Information in this tab should reflect the objectives outlined in the Community Benefits Plan.

2. Engagement Events and Technical Assistance

This report applies to all projects that hold stakeholder engagement events as outlined in their Community Benefits Plan. Recipients are required to report on stakeholders engaged and from what, if any, communities of interest.

3. Community Ownership

Federal Assistance Reporting Checklist

This report applies to all projects that build or install new clean energy or climate assets. Recipients should report whether any or all their project will be community owned, as well as the compensation the community will receive.

E. Pathways to Net Zero

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | As Specified , within 30 calendar days after the end of the first quarterly reporting period; Yearly ; within 90 calendar days after the end of the federal fiscal year and Final ; within 120 calendar days after expiration or termination of the award. |

There are four reports associated with Pathways to Net Zero. While all four reports are included on the same form, all four reports are not applicable to each project. Refer to the checklist at the beginning of this document for applicability.

Pathways to Net Zero reporting shall be submitted in the form provided by the DOE Project Team.

1. Infrastructure Supported

This report applies to projects that build, retrofit, retool, repurpose, or otherwise support the construction or continued operation of energy generation, energy storage, or other clean energy infrastructure. Projects that fund infrastructure planning should also report.

Recipients are required to report on planned values, annual actual values for the life of project, and values at closeout. This report is structured by technology type, recipients need only complete the technology type applicable to their project as indicated by the DOE project team.

2. Hydrogen Production

This report applies to projects that build, retrofit, retool, repurpose, or otherwise support the construction or continued operation of hydrogen fuel production. Hydrogen can be utilized across sectors to generate electricity, replace existing feedstock or fuel in the industrial sector, provide residential and commercial heating, or fuel transportation

Recipients are required to report on planned values, annual actual values for the life of project, and values at closeout.

3. Carbon Capture, Removal, Storage

This report applies to projects that build, or otherwise support the construction or continued operation of carbon capture, carbon removal, carbon storage, or carbon dioxide transport.

Recipients are required to report on planned values, annual actual values for the life of project, and values at closeout. This report is structured by technology type, recipients

Federal Assistance Reporting Checklist

need only complete the technology type applicable to their project as indicated by the DOE project team.

4. Energy Saved

This report applies to all projects that include energy efficiency upgrades or fuel switching, water conservation upgrades that save energy, or distributed energy resources. Recipients are required to report on interventions completed as well as planned and actual energy savings.

VI. Appendix A: Notice To Recipients (Prime Recipients And Subrecipients) Regarding Protected Data, Limited Rights Data And Protected Personally Identifiable Information

I. PROTECTED DATA AND LIMITED RIGHTS DATA

The recipient is required to mark protected data and limited rights data in accordance with the IP clause set of the award agreement. Failure to properly mark data may result in its public disclosure under the Freedom of Information Act (FOIA, 5 U.S.C. § 552) or otherwise.

A. Protected Data - Technical Data or Commercial or Financial Data First Produced in the Performance of the Award

The U.S. Government normally retains unlimited rights in any technical data or commercial or financial data produced in performance of Government financial assistance awards, including the right to distribute to the public.

However, under certain DOE awards, the recipient may mark certain categories of data produced under the award as protected from public disclosure for a period of time ("Protected Data"). If the award agreement provides for protected data and the recipient wants the data to be protected, the recipient must properly mark any documents containing Protected Data. The recipient should review the IP clause set of the award agreement to determine the applicability of protected data, the maximum length of period of time for data protection and the required markings that must be used to invoke data protection for the award.

B. Limited Rights Data - Data Produced Outside of the Award at Private Expense

Limited Rights Data is data (other than computer software) developed at private expense outside any Government financial assistance award or contract that embody trade secrets or are commercial or financial and confidential or privileged. Prior to including any Limited Rights Data in any documents to DOE, the recipient should review the award agreement. In most DOE awards, the recipient should not deliver any limited rights data to DOE if the recipient wants to protect the Limited Rights Data. If the DOE award does allow and require the delivery of limited rights data, then the recipient must properly mark any documents containing Limited Rights Data as set forth in the IP clause of the award agreement.

Federal Assistance Reporting Checklist

Federal Assistance Reporting Checklist

II. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION

The recipient should not include any Protected Personally Identifiable Information (Protected PII) in their submissions to DOE. Protected PII is defined as any data that, if compromised, could cause harm to an individual such as identify theft. Protected PII includes, but is not limited to:

- Social Security Numbers in any form;
- Place of Birth associated with an individual;
- Date of Birth associated with an individual;
- Mother's maiden name associated with an individual;
- Biometric record associated with an individual;
- Fingerprint;
- Iris Scan;
- DNA;
- Medical history information associated with an individual;
- Medical conditions, including history of disease;
- Metric information, e.g., weight, height, blood pressure;
- Criminal history associated with an individual;
- Ratings;
- Disciplinary actions;
- Passport number;
- Educational transcripts;
- Financial information associated with an individual;
- Credit card numbers; and
- Security clearance history or related information (not including actual clearances held).

BUDGET INFORMATION - Non-Construction Programs

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------------------------|
| 1. Program/Project Identification No. SE0000080 | | 2. Program/Project Title Home Energy Rebates | |
| 3. Name and Address Conservation and Development Commission Energy Resources 715 P Street Sacramento, CA 958146408 | | 4. Program/Project Start Date 05/01/2024 | 5. Completion Date 09/30/2031 |

SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Federal Catalog No. (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|-------------------------------------------------|-------------------------------|-----------------------------|--------------------|-----------------------|--------------------|-------------------|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. Federal | 81.041 | \$ 0.00 | | \$ 290,252,580.00 | | \$ 290,252,580.00 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. TOTAL | | \$ 0.00 | \$ 0.00 | \$ 290,252,580.00 | \$ 0.00 | \$ 290,252,580.00 |

SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | Grant Program, Function or Activity | | | | Total |
|----------------------------|-------------------------------------|-----|-----|-----|-------------------|
| | (1) DOE | (2) | (3) | (4) | (5) |
| a. Personnel | \$ 6,883,922.26 | | | | \$ 6,883,922.26 |
| b. Fringe Benefits | \$ 3,090,093.36 | | | | \$ 3,090,093.36 |
| c. Travel | \$ 52,500.00 | | | | \$ 52,500.00 |
| d. Equipment | \$ 0.00 | | | | \$ 0.00 |
| e. Supplies | \$ 0.00 | | | | \$ 0.00 |
| f. Contract | \$ 278,822,352.20 | | | | \$ 278,822,352.20 |
| g. Construction | \$ 0.00 | | | | \$ 0.00 |
| h. Other Direct Costs | \$ 0.00 | | | | \$ 0.00 |
| i. Total Direct Charges | \$ 288,848,867.82 | | | | \$ 288,848,867.82 |
| j. Indirect Costs | \$ 1,403,712.18 | | | | \$ 1,403,712.18 |
| k. Totals | \$ 290,252,580.00 | | | | \$ 290,252,580.00 |
| 7. Program Income | \$ 0.00 | | | | \$ 0.00 |

U.S. DEPARTMENT OF ENERGY



BUDGET JUSTIFICATION FOR FORMULA GRANTS

Applicant: Conservation and Development Commission Energy Resources

Budget period: 07/01/2023 - 06/30/2025

Award number: SE0000080

1. **PERSONNEL** - Prime Applicant only (all other participant costs are listed in 6 below and form SF-242A, Section B.
Line 6.f. Contracts and Sub-Grants).

Positions to be supported under the proposed award and brief description of the duties of professionals:

| Position | Description of Duties of Professionals |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Energy Resources Specialist III (Managerial) | This is the manager for the HOMES, HEEHRA, and HOMES/HEEHRA Contractor Training programs. This position is split between the three programs, with 40% assigned to HOMES, 40% HEEHRA, and 20% Contractor Training. |
| Energy Resources Specialist III (Supervisory) | Supervises technical staff who oversee HEEHRA program. |
| Senior Mechanical Engineer | Lead technical mechanical systems engineer for HEEHRA. Conducts analyses, makes recommendations, and develops program guidelines. Collects project-level data, evaluates and analyses data, and coordinates with building departments and local governments. This position is split between HOMES and HEEHRA, with 50% assigned to each. |
| Mechanical Engineer | Technical mechanical systems engineer for the HEEHRA program. Conducts analyses, makes recommendations, and develops program guidelines. Coordinates with utilities and stakeholders. |
| Electric Generation System Specialist II | Incumbents typically are responsible for a small group of specialists or other technical employees performing journey person level work. Incumbents personally perform the most difficult or sensitive work of the group. |
| Electric Generation System Specialist I | Journey level electric generation specialist for HEEHRA program who conducts analyses, makes recommendations, and develops program guidelines. Coordinates with utilities and stakeholders. |
| Staff Services Manager I (Specialist) | Staff services manager for the HEEHRA program will perform a wide variety of fiscal, management, and staff services functions including such areas as personnel, budget, management analysis, administrative services, program evaluation and planning, and policy analysis and formulation. |
| Energy Analyst | Entry level analyst who supports engineers and specialists for flexible demand appliance standards. |

Direct Personnel Compensation:

| Position | Salary/Rate | Time | Direct Pay |
|-----------------------------------------------|--------------|------------------|----------------|
| Energy Resources Specialist III (Managerial) | \$139,932.00 | 40.0000 % FT | \$55,972.80 |
| Energy Resources Specialist III (Supervisory) | \$133,296.00 | 100.0000 % FT | \$133,296.00 |
| Senior Mechanical Engineer | \$158,568.00 | 50.0000 % FT | \$79,284.00 |
| Mechanical Engineer | \$134,760.00 | 100.0000 % FT | \$134,760.00 |
| Electric Generation System Specialist II | \$126,264.00 | 100.0000 % FT | \$126,264.00 |
| Electric Generation System Specialist I | \$123,252.00 | 300.0000 % FT | \$369,756.00 |
| Staff Services Manager I (Specialist) | \$97,836.00 | 100.0000 % FT | \$97,836.00 |
| Energy Analyst | \$73,272.00 | 300.0000 % FT | \$219,816.00 |
| | | Direct Pay Total | \$1,216,984.80 |

2. FRINGE BENEFITS

- a. Are the fringe cost rates approved by a Federal Agency? If so, identify the agency and date of latest rate agreement or audit below, and attach a copy of the rate agreement to the application.

The fringe rate is not the same for everyone – the percentage is an average for the Commission as a whole, at a point in time, taking into account each employee and his/her fringe amount/rate. There are different retirement rates depending on ARP, TIER-1, or TIER-2, there are several different health plan options, not everyone takes health care, not everyone has life insurance, not everyone participates in commute benefits, etc.

Please see document attached to SF-424.

- b. If a. above does not apply, please use this box (or an attachment) to further explain how your total fringe benefits costs were calculated. Your calculations should identify all rates used, along with the base they were applied to (and how the base was derived), and a total for each (along with grand total). If there is an established computation methodology approved for state-wide use, please provide a copy. Also, please fill out the table below with the Fringe Benefits Calculations.

Fringe Benefits Calculations

| Position | Direct Pay | Rate | Benefits |
|-----------------------------------------------|--------------|-----------|--------------|
| Energy Resources Specialist III (Managerial) | \$55,972.80 | 42.4400 % | \$23,754.86 |
| Energy Resources Specialist III (Supervisory) | \$133,296.00 | 42.4400 % | \$56,570.82 |
| Senior Mechanical Engineer | \$79,284.00 | 42.4400 % | \$33,648.13 |
| Mechanical Engineer | \$134,760.00 | 42.4400 % | \$57,192.14 |
| Electric Generation System Specialist II | \$126,264.00 | 42.4400 % | \$53,586.44 |
| Electric Generation System Specialist I | \$369,756.00 | 42.4400 % | \$156,924.45 |
| Staff Services Manager I (Specialist) | \$97,836.00 | 42.4400 % | \$41,521.60 |
| Energy Analyst | \$219,816.00 | 42.4400 % | \$93,289.91 |
| Fringe Benefits Total | | | \$516,488.35 |

3. TRAVEL

- a. Please provide the purpose of travel, such as professional conference(s), DOE sponsored meeting(s), project management meeting, etc. If there is any foreign travel, please identify.

| Purpose of Trip | Number of Trips | Cost Per Trip | Total |
|-----------------|-----------------|---------------|-------|
|-----------------|-----------------|---------------|-------|

4. EQUIPMENT - Equipment is generally defined as an item with an acquisition cost greater than \$5,000 and a useful life expectancy of more than one year.

- a. List all proposed equipment below and briefly justify its need as it applies to the objectives of the award.

| Equipment | Unit Cost | Number | Total Cost | Justification of Need |
|-----------|-----------|--------|------------|-----------------------|
|-----------|-----------|--------|------------|-----------------------|

- b. Please provide a basis of cost such as vendor quotes, catalog prices, prior invoices, etc. and justify need. If the Equipment is being proposed as Cost Share and was previously acquired, please provide the source and value of its contribution to the project and logical support for the estimated value shown. If it is new equipment which will retain a useful life upon completion of the project, provide logical support for the estimated value shown. Also, please indicate whether the Equipment is being used for other projects or is 100% dedicated to the DOE project.

5. SUPPLIES - Supplies are generally defined as an item with an acquisition cost of \$5,000 or less and a useful life expectancy of less than one year. Supplies are generally consumed during the project performance.

- a. List all proposed supplies below, the estimated cost, and briefly justify the need for the supplies as they apply to the objectives of the award. Note that all direct costs, including Supply items, may not be duplicative of supply costs included in the indirect pool that is the basis of the indirect rate applied for this project.

| General Category | Cost | Justification of Need |
|------------------|------|-----------------------|
|------------------|------|-----------------------|

- b. Please provide a basis of cost for each item listed above and justify need. Examples include vendor quotes, prior purchases of similar or like items, published price list, etc.

6. CONTRACTS AND SUBGRANTS - Provide the following information for New proposed subrecipients and subcontractors. For ongoing subcontractors and subrecipients, this information does not have to be restated here, if it is provided elsewhere in the application; under Name of Proposed Sub, indicate purpose of work and where additional information can be found (i.e weatherization subgrants, Annual File section IV.1).

| Name of Proposed Sub and Associated Market Title | Total Cost | Basis of Cost* |
|--------------------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TBD | \$250,000.00 | Staff will issue a contract to support strategic planning to inform development of the Plan for the High-Efficiency Electric Home Rebate Program. The contractor will: 1. Conduct analysis, market research, community engagement or other activities to assist the state in determining its priorities and goals for the rebate funds. 2. Identify ways to spur long-term market transformation beyond the rebate period (e.g., workforce development, attractive financing, improved supply chain/delivery mechanisms). |
| Contracts and Subgrants Total | \$250,000.00 | |

*For example, Competitive, Historical, Quote, Catalog

7. OTHER DIRECT COSTS - Other direct costs are direct cost items required for the project which do not fit clearly into other categories. These direct costs may not be duplicative of costs included in the indirect pool that is the basis of the indirect rate applied for this project. Examples are: conference fees, subscription costs, printing costs, etc.

- a. Please provide a General Description, Cost and Justification of Need.

| General Description | Cost | Justification of Need |
|---------------------|------|-----------------------|
|---------------------|------|-----------------------|

- b. Please provide a basis of cost for each item listed above. Examples include vendor quotes, prior purchases of similar or like items, published price list, etc.

8. INDIRECT COSTS

- a. Are the indirect cost rates approved by a Federal agency? If so, identify the agency and date of latest rate agreement or audit and provide a copy of the rate agreement.
 Energy Commission indirect charges are calculated at 29% of total direct costs for federal appropriated funds and match. The Energy Commission's indirect cost rate for 2022/2023 has not been approved by the U.S. Department of Energy.
- b. If the above does not apply, indicate the basis for computation of rates, including the types of benefits to be provided, the rate(s) used, and the cost base for each rate. You may provide the information below or provide the calculations separately.

The name and phone number of the individual responsible for negotiating the State's indirect cost rates.

Name: Justin Junio

Phone Number: 9168278743

Indirect costs calculations:

| Indirect Cost Account | Direct Total | Indirect Rate | Total Indirect |
|------------------------------|---------------------|----------------------|-----------------------|
| Indirect Distributed Cost | \$1,733,473.00 | 29.0000 % | \$502,707.17 |
| | | Indirect Costs Total | \$502,707.17 |

**Intellectual Property Provisions (NRD-821)
Nonresearch and Development**

Intellectual property rights are subject to 2 CFR 200.315 (e.g. institution of higher education or nonprofit organizations) or 2 CFR 910.362 (e.g. for-profit).

PMC-ND
(1.08.09.13)

**U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY
NEPA DETERMINATION**



RECIPIENT: State Energy Office in all 50 states, The District of Columbia, 5 U.S. Territories **STATE:** Mult

PROJECT TITLE Inflation Reduction Act (IRA) of 2022 - Section 50121 and 50122 Home Energy Rebates: Home Efficiency Rebates & Home Electrification and Appliance Rebates

| Funding Opportunity Announcement Number | Procurement Instrument Number | NEPA Control Number | CID Number |
|--------------------------------------------------------|-------------------------------|-----------------------------|------------|
| IRA 50121 and 50122 - Home Energy Rebate Programs ALRD | GFO-IRA 50121 and 50122-001 | GFO-IRA 50121 and 50122-002 | |

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:

Description:

A1 Routine DOE business actions Routine actions necessary to support the normal conduct of DOE business limited to administrative, financial, and personnel actions.

Rationale for determination:

Sections 50121 and 50122 of the Inflation Reduction Act authorize the Department of Energy to administer Home Energy Rebates. The funds must be used for rebates, statutorily required incentives, and costs directly attributable to delivery of the rebate to state and territory energy offices. The Inflation Reduction Act of 2022 Home Energy Rebates: Home Efficiency Rebates & Home Electrification and Appliance Rebates Administrative and Legal Requirements Document (ALRD) is applicable to both Section 50121 and 50122. Because the statutory authority for the appropriation does not allow DOE discretion to direct states' and territories' manner of use of these funds for their rebate programs, DOE's action is administration of the funding to the states and territories. Therefore, this NEPA review is only for the potential impacts of funding administration and will not include any review of potential impacts associated with the rebate programs.

Based on the administration activity listed above, DOE does not anticipate any impacts to resources of concern.

NEPA PROVISION

DOE has made a final NEPA determination.

Notes:

Office of State and Community Energy Programs – Partnerships
(Whole Homes and Appliance Rebate Program)
NEPA review completed by Diana Heyder, 11/29/2023

FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

The proposed action is categorically excluded from further NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  Casey Strickland Date: 11/29/2023
NEPA Compliance Officer

FIELD OFFICE MANAGER DETERMINATION

- ☒ Field Office Manager review not required
☐ Field Office Manager review required

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____ Date: _____
Field Office Manager

Inflation Reduction Act (IRA) Special Terms and Conditions

The Grantee (“Recipient”), which is identified in Block 5 of the Assistance Agreement, and the Office of State and Community Energy Programs (“SCEP”) an office within the United States Department of Energy (“DOE”), enter into this Award, referenced above, to achieve the project objectives and the technical milestones and deliverables stated in Attachment 1 to this Award.

This Award consists of the following documents, including all terms and conditions therein:

| | |
|--------------|---------------------------------------------------------|
| | Assistance Agreement |
| | Special Terms and Conditions |
| Attachment 1 | Narrative |
| Attachment 2 | Federal Assistance Reporting Checklist and Instructions |
| Attachment 3 | Budget Information SF-424A |
| Attachment 4 | Intellectual Property Provisions |
| Attachment 5 | NEPA Determination |

The following are incorporated into this Award by reference:

- DOE Assistance Regulations, 2 CFR part 200 as supplemented by 2 CFR part 910 at <http://www.eCFR.gov>.
 - National Policy Requirements (November 12, 2020) at <http://www.nsf.gov/awards/managing/rtc.jsp>.
 - Public Law 117-169, also known as the Inflation Reduction Act (IRA).
 - The Recipient’s application/proposal as approved by SCEP.
-

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Subpart A. General Provisions

Term 1. Legal Authority and Effect

A DOE financial assistance award is valid only if it is in writing and is signed, either in writing or electronically, by a DOE Contracting Officer.

The Recipient may accept or reject the Award. A request to draw down DOE funds or acknowledgement of award documents by the Recipient's authorized representative through electronic systems used by DOE, specifically FedConnect, constitutes the Recipient's acceptance of the terms and conditions of this Award. Acknowledgement via FedConnect by the Recipient's authorized representative constitutes the Recipient's electronic signature.

Term 2. Reserved

Term 3. Flow Down Requirement

The Recipient agrees to apply the terms and conditions of this Award, as applicable, including the Intellectual Property Provisions, to all subrecipients (and subcontractors, as appropriate), as required by 2 CFR 200.101, and to require their strict compliance therewith. Further, the Recipient must apply the Award terms as required by 2 CFR 200.327 to all subrecipients (and subcontractors, as appropriate), and to require their strict compliance therewith.

Term 4. Compliance with Federal, State, and Municipal Law

The Recipient is required to comply with applicable Federal, state, and local laws and regulations for all work performed under this Award. The Recipient is required to obtain all necessary Federal, state, and local permits, authorizations, and approvals for all work performed under this Award.

Term 5. Inconsistency with Federal Law

Any apparent inconsistency between Federal statutes and regulations and the terms and conditions contained in this Award must be referred to the DOE Award Administrator for guidance.

Term 6. Federal Stewardship

SCEP will exercise normal Federal stewardship in overseeing the project activities performed under this Award. Stewardship activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing technical assistance and/or temporary intervention in unusual circumstances to address deficiencies that develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the project objectives have been accomplished.

Term 7. Federal Involvement

A. Review Meetings

The Recipient, including but not limited to, the principal investigator (or, if applicable, co-principal investigators), is required to participate in periodic review meetings with SCEP. Review meetings enable SCEP to assess the work performed under this Award and determine whether the Recipient has timely achieved the milestones and deliverables stated in Attachment 1 to this Award.

SCEP shall determine the frequency of review meetings and select the day, time, and location of each review meeting and shall do so in a reasonable and good faith manner. SCEP will provide the Recipient with reasonable notice of the review meetings.

For each review meeting, the Recipient is required to provide a comprehensive overview of the project, including:

- The Recipient's progress compared to the Narrative Document in Attachment 1 to this Award.
- The Recipient's actual expenditures compared to the approved budget in Attachment 3 to this Award.
- Other subject matter specified by the DOE Project Officer.

B. Project Meetings

The Recipient is required to notify SCEP in advance of scheduled tests and internal project meetings that would entail discussion of topics that could result in major changes to the baseline project scope/approach, cost, or schedule. Upon request by SCEP, the Recipient is required to provide SCEP with reasonable access (by telephone, webinar, or otherwise) to the tests and project meetings. The Recipient is not expected to delay any work under this Award for the purpose of government insight.

C. Site Visits

SCEP's authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. The Recipient must provide, and must require subrecipients to provide, reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

D. Tranche Continuation Decisions

The Administrative and Legal Requirements Document (ALRD) for this Award establishes funding tranches. The Recipient's approved use of funds is only for the tranche that DOE has approved the recipient for. The Recipient is not approved to use funds in other tranches beyond those it is approved for. If the Recipient uses funds beyond what it has been approved to use, SCEP reserves the right to take appropriate action up to and including those listed below.

For each funding tranche, SCEP must determine whether the Recipient has fully and satisfactorily completed the work described in the ALRD, Program Requirements, award attachments, award terms and conditions as well as DOE approved plans for this Award. The holistic performance of the award is taken into consideration during the continuation review. As a result of the continuation review, in its discretion, SCEP may take one of the following actions:

- Continue to fund the project, contingent upon the availability of funds appropriated by Congress for the purpose of this program;
- Place a hold on additional federal funding for the project, pending sufficient progress against performance targets, milestones and deliverables, further supporting data or funding; or
- Discontinue funding the project because of insufficient progress, change in strategic direction, or lack of funding.

If routine data reviews demonstrate the Recipient is not meeting Plan terms, DOE reserves the right to put a hold on the funds the Recipient can draw down under the Automated Standard Application for Payments (ASAP) System.

E. Performance Targets, Milestones, and Deliverables

The Administrative and Legal Requirements Document (ALRD) and Program Requirements for this Award establishes performance targets, milestones, and deliverables required to continue into a new tranche of funding. If the Recipient fails to meet the established performance targets, milestones and/or deliverables, the Recipient must provide an improvement plan in its continuation application for how it will improve program performance to meet the next tranche's targets. DOE approval is required in order to move to the next tranche and for funds to be released.

F. SCEP Access

The Recipient must provide any information, documents, site access, or other assistance requested by SCEP for the purpose of its Federal stewardship or substantial involvement.

Term 8. NEPA Requirements

DOE must comply with the National Environmental Policy Act (NEPA) prior to authorizing the use of federal funds. Based on all information provided by the Recipient, EERE has made a NEPA determination by issuing a categorical exclusion (CX) for all activities listed in the Statement of Project Objectives (SOPO) approved by the Contracting Officer and the DOE NEPA Determination. The Recipient is thereby authorized to use federal funds for the defined project activities, except where such activity is subject to a restriction set forth elsewhere in this Award.

This authorization is specific to the project activities and locations as described in the SOPO approved by the Contracting Officer and the DOE NEPA Determination.

If the Recipient later intends to add to or modify the activities or locations as described in the approved SOPO and the DOE NEPA Determination, those new activities/locations or modified activities/locations are subject to additional NEPA review and are not authorized for federal funding until the Contracting Officer provides written authorization on those additions or modifications. Should the Recipient elect to undertake activities or change locations prior to written authorization from the Contracting Officer, the Recipient does so at risk of not receiving federal funding for those activities, and such costs may not be recognized as allowable cost share.

Term 9. Historic Preservation

A. Authorization

DOE must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) prior to authorizing the use of Federal funds. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. DOE does not anticipate any impacts to resources of concern.

Term 10. Performance of Work in United States

A. Requirement

All work performed under this Award must be performed in the United States unless the Contracting Officer provides a waiver. This requirement does not apply to the purchase of supplies and equipment; however, the Recipient should make every effort to purchase supplies and equipment within the United States. The Recipient must flow down this requirement to its subrecipients and subcontractors.

B. Failure to Comply

If the Recipient fails to comply with the Performance of Work in the United States requirement, the Contracting Officer may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as

allowable Recipient cost share regardless if the work is performed by the Recipient, subrecipients, vendors or other project partners.

C. Waiver for Work Outside the U.S.

All work performed under this Award must be performed in the United States. However, the Contracting Officer may approve the Recipient to perform a portion of the work outside the United States under limited circumstances. The Recipient must obtain a waiver from the Contracting Officer prior to conducting any work outside the U.S. To request a waiver, the Recipient must submit a written waiver request to the Contracting Officer, which includes the following information:

- The rationale for performing the work outside the U.S.;
- A description of the work proposed to be performed outside the U.S.;
- Proposed budget of work to be performed; and
- The countries in which the work is proposed to be performed.

For the rationale, the Recipient must demonstrate to the satisfaction of the Contracting Officer that the performance of work outside the United States would further the purposes of the ALRD or Program that the Award was selected under and is in the economic interests of the United States. The Contracting Officer may require additional information before considering such request.

Term 11. Foreign National Involvement

The Recipient and project participants (including subrecipients and contractors) who anticipate involving foreign nationals in the performance of an award, may be required to provide DOE with specific information about each foreign national to satisfy requirements for foreign national participation. A foreign national is defined as any person who is not a U.S. citizen by birth or naturalization. The volume and type of information collected may depend on various factors associated with the award.

Term 12. Foreign National Participation

A “foreign national” is defined as any person who is not a U.S. citizen by birth or naturalization.

If the Recipient (including any of its subrecipients and contractors) anticipates involving foreign nationals in the performance of the Award, the Recipient must, upon DOE’s request, provide DOE with specific information about each foreign national to ensure compliance with the requirements for participation and access approval. The volume and type of information required may depend on various factors associated with the Award. The DOE Contracting Officer will notify the Recipient if this information is required.

DOE may elect to deny a foreign national’s participation in the Award. Likewise, DOE may elect to deny a foreign national’s access to a DOE sites, information, technologies, equipment, programs, or personnel. DOE’s determination to deny participation or access is not appealable.

Term 13. Post-Award Due Diligence Reviews

During the period of performance of the Award, DOE may conduct ongoing due diligence reviews, through Government resources, to identify potential risks of undue foreign influence. In the event a risk is identified, DOE may require risk mitigation measures, including but not limited to, requiring an individual or entity not participate in the Award.

Term 14. Notice Regarding the Purchase of American-Made Equipment and Products – Sense of Congress

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Award should be American-made.

Term 15. Reporting Requirements

A. Requirements

The reporting requirements for this Award are identified on the Federal Assistance Reporting Checklist, attached to this Award. Failure to comply with these reporting requirements is considered a material noncompliance with the terms of the Award. Noncompliance may result in withholding of future payments, suspension, or termination of the current award, and withholding of future awards. A willful failure to perform, a history of failure to perform, or unsatisfactory performance of this and/or other financial assistance awards, may also result in a debarment action to preclude future awards by Federal agencies.

B. Dissemination of Scientific and Technical Information

Scientific and Technical Information (STI) generated under this Award will be submitted to DOE via the Office of Scientific and Technical Information's Energy Link ([E-Link](#)) system. STI submitted under this Award will be disseminated via DOE's [OSTI.gov](#) website subject to approved access limitations. Citations for journal articles produced under the Award will appear on the [DOE PAGES](#) website.

C. Restrictions

Scientific and Technical Information submitted to E-Link must not contain any Protected Personal Identifiable Information (PII), limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release.

Term 16. Lobbying

By accepting funds under this Award, the Recipient agrees that none of the funds obligated on the Award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

Term 17. Publications

The Recipient is required to include the following acknowledgement in publications arising out of, or relating to, work performed under this Award, whether copyrighted or not:

- *Acknowledgment:* "This material is based upon work supported by the U.S. Department of Energy's Office of State and Community Energy Programs (SCEP) under the IRA Home Energy Rebates Award Number DE-SE0000080."
- *Full Legal Disclaimer:* "This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof."

Abridged Legal Disclaimer: "The views expressed herein do not necessarily represent the views of the U.S. Department of Energy or the United States Government."

Recipients should make every effort to include the full Legal Disclaimer. However, in the event that recipients are constrained by formatting and/or page limitations set by the publisher, the abridged Legal Disclaimer is an acceptable alternative.

Term 18. No-Cost Extension

As provided in 2 CFR 200.308, the Recipient must provide the Contracting Officer with notice in advance if it intends to utilize a one-time, no-cost extension of this Award. The notification must include the supporting reasons and the revised period of performance. The Recipient must submit this notification in writing to the Contracting Officer and DOE Technology Manager/ Project Officer at least 30 days before the end of the current budget period.

Any no-cost extension will not alter the project scope, milestones, deliverables, or budget of this Award.

Term 19. Property Standards

The complete text of the Property Standards can be found at 2 CFR 200.310 through 200.316. Also see 2 CFR 910.360 for additional requirements for real property and equipment for For-Profit recipients.

Term 20. Insurance Coverage

See 2 CFR 200.310 for insurance requirements for real property and equipment acquired or improved with Federal funds. Also see 2 CFR 910.360(d) for additional requirements for real property and equipment for For-Profit recipients.

Term 21. Real Property

Subject to the conditions set forth in 2 CFR 200.311, title to real property acquired or improved under a Federal award will conditionally vest upon acquisition in the non-Federal entity. The non-Federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.311 before disposing of the property.

Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from DOE or pass-through entity. The instructions must provide for one of the following alternatives: (1) retain title after compensating DOE as described in 2 CFR 200.311(c)(1); (2) Sell the property and compensate DOE as specified in 2 CFR 200.311(c)(2); or (3) transfer title to DOE or to a third party designated/approved by DOE as specified in 2 CFR 200.311(c)(3).

See 2 CFR 200.311 for additional requirements pertaining to real property acquired or improved under a Federal award. Also see 2 CFR 910.360 for additional requirements for real property for For-Profit recipients.

Term 22. Equipment

Subject to the conditions provided in 2 CFR 200.313, title to equipment (property) acquired under a Federal award will conditionally vest upon acquisition with the non-Federal entity. The non-Federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.313 before disposing of the property.

A state must use equipment acquired under a Federal award by the state in accordance with state laws and procedures.

Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as it is needed, whether or not the project or program continues to be supported by the Federal award. When no longer needed for the originally authorized purpose, the equipment may be used by programs supported by DOE in the priority order specified in 2 CFR 200.313(c)(1)(i) and (ii).

Management requirements, including inventory and control systems, for equipment are provided in 2 CFR 200.313(d).

When equipment acquired under a Federal award is no longer needed, the non-Federal entity must obtain disposition instructions from DOE or pass-through entity.

Disposition will be made as follows: (1) items of equipment with a current fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to DOE; (2) Non-Federal entity may retain title or sell the equipment after compensating DOE as described in 2 CFR 200.313(e)(2); or (3) transfer title to DOE or to an eligible third party as specified in 2 CFR 200.313(e)(3).

See 2 CFR 200.313 for additional requirements pertaining to equipment acquired under a Federal award. Also see 2 CFR 910.360 for additional requirements for equipment for For-Profit recipients. See also 2 CFR 200.439 Equipment and other capital expenditures.

Term 23. Supplies

See 2 CFR 200.314 for requirements pertaining to supplies acquired under a Federal award. See also 2 CFR 200.453 Materials and supplies costs, including costs of computing devices.

Term 24. Property Trust Relationship

Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. See 2 CFR 200.316 for additional requirements pertaining to real property, equipment, and intangible property acquired or improved under a Federal award.

Term 25. Record Retention

Consistent with 2 CFR 200.334 through 200.338, the Recipient is required to retain records relating to this Award.

Term 26. Audits

A. Government-Initiated Audits

The Recipient must provide any information, documents, site access, or other assistance requested by SCEP, DOE or Federal auditing agencies (e.g., DOE Inspector General, Government Accountability Office) for the purpose of audits and investigations. Such assistance may include, but is not limited to, reasonable access to the Recipient's records relating to this Award.

Consistent with 2 CFR part 200 as amended by 2 CFR part 910, DOE may audit the Recipient's financial records or administrative records relating to this Award at any time. Audits or reviews may be performed to determine if the Recipient has an adequate financial management system to estimate, bill, and record federal government expenditures in accordance with the criteria in 2 CFR 200.302, Generally Accepted Accounting Principles (GAAP), Generally Accepted Government Accounting Standards (GAGAS), and Standard Form 1408. Government-initiated audits are generally paid for by DOE.

DOE may conduct a final audit at the end of the project period (or the termination of the Award, if applicable). Upon completion of the audit, the Recipient is required to refund to DOE any payments for costs that were determined to be unallowable. If the audit has not been performed or completed prior to the closeout of the award, DOE retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

DOE will provide reasonable advance notice of audits and will minimize interference with ongoing work, to the maximum extent practicable.

B. Annual Independent Audits (Single Audit or Compliance Audit)

The Recipient must comply with the annual independent audit requirements in 2 CFR 200.500 through .521 for institutions of higher education, nonprofit organizations, and state and local governments (Single audit), and 2 CFR 910.500 through .521 for for-profit entities (Compliance audit).

The annual independent audits are separate from Government-initiated audits discussed in part A. of this Term, and must be paid for by the Recipient. To minimize expense, the Recipient may have a Compliance audit in conjunction with its annual audit of financial statements. The financial statement audit is **not** a substitute for the Compliance audit. If the audit (Single audit or Compliance audit, depending on Recipient entity type) has not been performed or completed prior to the closeout of the award, DOE may impose one or more of the actions outlined in 2 CFR 200.339, Remedies for Noncompliance.

Term 27. Site Visits and Recipient Administrative Organizational Reviews

SCEP's authorized representatives have the right to make site visits and conduct Recipient Administrative Organizational Reviews to review the project and management control systems and to provide technical assistance, as appropriate. The Recipient must provide, and must require its subrecipients and contractors to provide, reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives in the performance of their duties. SCEP will make reasonable efforts to ensure these site visits do not interfere with or unduly delay project work.

Term 28. Indemnity

The Recipient shall indemnify DOE and its officers, agents, or employees for any and all liability, including litigation expenses and attorneys' fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of or damage to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or negligence of DOE officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions.

Subpart B. Financial Provisions

Term 29. Maximum Obligation

The maximum obligation of DOE for this Award is the total “Funds Obligated” as stated in Block 13 of the Assistance Agreement to this Award. Additional Federal funding is contingent upon: (1) Recipient’s demonstrated substantial progress towards meeting the objectives of the Award; (2) availability of Federal funds appropriated by Congress for the purpose of this program; and (3) the availability of future-year budget authority.

Term 30. Funding of Tranches

SCEP has obligated funding as shown in Block 13 of the Assistance Agreement for completion of the Project. However, only the federal share of costs associated with the current funding tranche is available for work performed by the Recipient. Tranches are associated with specific project milestones, which are outlined in the Administrative and Legal Requirements Document (ALRD), associated with this program. The federal share of costs is shown on Attachment 3.

The remainder of funding is contingent upon: (1) the availability of funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) Recipient’s satisfactory progress towards meeting the objectives of the Home Energy Rebates Program; (4) Recipient’s submittal of required reports; (5) Recipient’s compliance with the terms and conditions of the Award; (6) the Recipient’s submission of a continuation application; and (7) written approval of the continuation application by the Contracting Officer.

In the event that the Recipient does not submit a continuation application for subsequent tranches, or SCEP disapproves a continuation application for subsequent tranches, the maximum SCEP liability to the Recipient is the funds that are available for the current approved tranche. In such event, SCEP reserves the right to deobligate any remaining federal funds.

Term 31. Continuation Application and Funding

A. Continuation Application

A continuation application is a non-competitive application to enter into a new funding tranche. The continuation application shall be submitted to SCEP in accordance with the tranche table in the ALRD that is issued.

B. Continuation Funding

Continuation funding is contingent on (1) the availability of funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) Recipient’s satisfactory progress towards meeting the objectives of the Home Energy Rebates Program; (4) Recipient’s submittal of required reports; (5) Recipient’s compliance with the terms and conditions of the Award; (6) the Recipient’s submission of a continuation application; and (7) written approval of the

continuation application by the Contracting Officer. The holistic performance of the award is taken into consideration during the continuation review.

C. Continuation Review

The Administrative and Legal Requirements Document (ALRD) outlines expected performance targets and deliverables required to continue into a new tranche of funding. In addition, DOE will take the full performance of the award into consideration when making a continuation decision. If a Recipient's overall performance is assessed by DOE to be inadequate, DOE reserves the right to disapprove a continuation into a new tranche of funding.

Term 32. Refund Obligation

The Recipient must refund any excess payments received from SCEP, including any costs determined unallowable by the Contracting Officer. Upon the end of the project period (or the termination of the Award, if applicable), the Recipient must refund to SCEP the difference between (1) the total payments received from SCEP, and (2) the Federal share of the costs incurred. Refund obligations under this Term do not supersede the annual reconciliation or true up process if specified under the Indirect Cost Term.

Term 33. Allowable Costs

DOE determines the allowability of costs through reference to 2 CFR part 200 as amended by 2 CFR part 910. All project costs must be allowable, allocable, and reasonable. The Recipient must document and maintain records of all project costs, including, but not limited to, the costs paid by Federal funds, costs claimed by its subrecipients and project costs that the Recipient claims as cost sharing, including in-kind contributions. The Recipient is responsible for maintaining records adequate to demonstrate that costs claimed have been incurred, are reasonable, allowable and allocable, and comply with the cost principles. Upon request, the Recipient is required to provide such records to DOE. Such records are subject to audit. Failure to provide DOE adequate supporting documentation may result in a determination by the Contracting Officer that those costs are unallowable.

The Recipient is required to obtain the prior written approval of the Contracting Officer for any foreign travel costs.

Term 34. Indirect Costs

A. Indirect Cost Allocation:

The Recipient has a current and approved Predetermined or Fixed Negotiated Indirect Cost Rate Agreement (NICRA) and it applies uniformly across all federal awards through the Recipient's fiscal year end 2024. An updated rate proposal or NICRA is required within 180 days prior to the identified expiration if the Recipient is to continue to bill predetermined indirect cost billing rates on the DOE award.

B. Fringe Cost Allocation:

Fringe benefit costs have been allocated to this award under a segregated fringe billing rate. The fringe costs were found to be reasonable, allocable, and allowable as reflected in the budget. Fringe elements apply to both direct and indirect labor. Under a segregated cost pool, the fringe billing rate shall be treated as an indirect cost expenditure and must be reconciled annually.

C. Subrecipient Indirect Costs (If Applicable):

The Recipient must ensure its subrecipient's indirect costs are appropriately managed, have been found to be allowable, and comply with the requirements of this Award and 2 CFR Part 200 as amended by 2 CFR Part 910.

D. Indirect Cost Stipulations:

i. Modification to Indirect Cost Billing Rates

EERE will not modify this Award solely to provide additional funds to cover increases in the Recipient's indirect cost billing rate(s). Adjustments to the indirect cost billing rates must be approved by the Recipient's Cognizant Agency or Cognizant Federal Agency Official.

The Recipient must provide a copy of an updated NICRA or indirect rate proposal to the DOE Award Administrator in order to increase indirect cost billing rates. If the Contracting Officer provides prior written approval, the Recipient may incur an increase in the indirect cost billing rates.

Reimbursement will be limited by the budgeted dollar amount for indirect costs for each budget period as shown in Attachment 3 to this Award.

ii. Award Closeout

The closeout of the DOE award does not affect (1) the right of the DOE to disallow costs and recover funds on the basis of a later audit or other review; (2) the requirement for the Recipient to return any funds due as a result of later refunds, corrections or other transactions including final indirect cost billing rate adjustments; and (3) the ability of the DOE to make financial adjustments to a previously closed award resolving indirect cost payments and making final payments.

Term 35. Decontamination and/or Decommissioning (D&D) Costs

Notwithstanding any other provisions of this Award, the Government shall not be responsible for or have any obligation to the Recipient for (1) Decontamination and/or Decommissioning (D&D) of any of the Recipient's facilities, or (2) any costs which may be incurred by the Recipient in connection with the D&D of any of its facilities due to the performance of the work under this Award, whether said work was performed prior to or subsequent to the effective

date of the Award.

Term 36. Use of Program Income

If the Recipient earns program income during the project period as a result of this Award, the Recipient must add the program income to the funds committed to the Award and used to further eligible project objectives.

Term 37. Payment Procedures

A. Method of Payment

Payment will be made by advances through the Department of Treasury's ASAP system.

B. Requesting Advances

Requests for advances must be made through the ASAP system. The Recipient may submit requests as frequently as required to meet its needs to disburse funds for the Federal share of project costs. If feasible, the Recipient should time each request so that the Recipient receives payment on the same day that the Recipient disburses funds for direct project costs and the proportionate share of any allowable indirect costs. If same-day transfers are not feasible, advance payments must be as close to actual disbursements as administratively feasible.

C. Adjusting Payment Requests for Available Cash

The Recipient must disburse any funds that are available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds before requesting additional cash payments from SCEP.

D. Payments

All payments are made by electronic funds transfer to the bank account identified on the Bank Information Form that the Recipient filed with the U.S. Department of Treasury.

E. Unauthorized Drawdown of Federal Funds

For each budget period, the Recipient may not spend more than the Federal share authorized to that particular budget period, without specific written approval from the Contracting Officer. The Recipient must immediately refund SCEP any amounts spent or drawn down in excess of the authorized amount for a budget period. The Recipient and subrecipients shall promptly, but at least quarterly, remit to DOE interest earned on advances drawn in excess of disbursement needs, and shall comply with the procedure for remitting interest earned to the Federal government per 2 CFR 200.305, as applicable.

F. Supporting Documents for Agency Approval of Payments

DOE may require Agency pre-approval of payments. If the Agency approval requirement is in effect for the Recipient's Award, the ASAP system will indicate that Agency approval is required when the Recipient submits a request for payment.

The Recipient must notify the DOE Technical Project Officer and DOE Award Administrator identified on the Assistance Agreement that a payment request has been submitted.

The following items are required to be submitted to the DOE Technical Project Officer and DOE Award Administrator identified on the Assistance Agreement:

- Summary cost data, for the billing period and cumulative cost data, showing all categories listed in the SF-424A and identifying Federal, non-Federal, and total amounts.
- SF-270.
- If there are unauthorized phases and/or tasks for the current budget period in the NEPA Requirements term in these Special Terms and Conditions, a statement affirming that no invoiced costs are related to tasks or activities prohibited by the NEPA Requirements term.
- *Applicable to for-profit recipients and subrecipients* UCC filing proof for all equipment acquired with project funds (i.e., Federal share or Recipient share) and equipment offered as cost share.

The DOE payment authorizing official may request additional information from the Recipient to support the payment requests prior to release of funds, as deemed necessary. The Recipient is required to comply with these requests. Supporting documents include invoices, copies of contracts, vendor quotes, and other expenditure explanations that justify the payment requests.

Term 38. Budget Changes

A. Budget Changes Generally

The Contracting Officer has reviewed and approved the SF-424A in Attachment 3 to this Award.

Any increase in the total project cost, whether DOE share or Cost Share, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award, must be approved in advance and in writing by the Contracting Officer.

Any change that alters the program design, project scope, milestones or deliverables requires prior written approval of the Contracting Officer. SCEP may deny reimbursement for any failure to comply with the requirements in this term.

B. Transfers of Funds Among Direct Cost Categories

The Recipient is required to obtain the prior written approval of the Contracting Officer for any transfer of funds among direct cost categories where the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total project cost, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award.

The Recipient is required to notify the DOE /Project Officer of any transfer of funds among direct cost categories where the cumulative amount of such transfers is equal to or below 10 percent of the total project cost, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award.

C. Transfer of Funds Between Direct and Indirect Cost Categories

The Recipient is required to obtain the prior written approval of the Contracting Officer for any transfer of funds between direct and indirect cost categories. If the Recipient's actual allowable indirect costs are less than those budgeted in Attachment 3 to this Award, the Recipient may use the difference to pay additional allowable direct costs during the project period so long as the total difference is less than 10% of total project costs and the difference is reflected in actual requests for reimbursement to DOE.

Subpart C. Miscellaneous Provisions

Term 39. Insolvency, Bankruptcy or Receivership

The Recipient shall immediately, but no later than five days, notify EERE of the occurrence of any of the following events: (1) the Recipient or the Recipient's parent's filing of a voluntary case seeking liquidation or reorganization under the Bankruptcy Act; (2) the Recipient's consent to the institution of an involuntary case under the Bankruptcy Act against the Recipient or the Recipient's parent; (3) the filing of any similar proceeding for or against the Recipient or the Recipient's parent, or the Recipient's consent to the dissolution, winding-up or readjustment of its debts, appointment of a receiver, conservator, trustee, or other officer with similar powers over the Recipient, under any other applicable state or federal law; or (4) the Recipient's insolvency due to its inability to pay debts generally as they become due.

Such notification shall be in writing and shall: (1) specifically set out the details of the occurrence of an event referenced in paragraph A; (2) provide the facts surrounding that event; and (3) provide the impact such event will have on the project being funded by this Award.

Upon the occurrence of any of the four events described in paragraph A. of this term, EERE reserves the right to conduct a review of the Recipient's Award to determine the Recipient's compliance with the required elements of the Award (including such items as cost share, progress towards technical project objectives, and submission of required reports). If the EERE

review determines that there are significant deficiencies or concerns with the Recipient's performance under the Award, EERE reserves the right to impose additional requirements, as needed, including (1) change of payment method; or (2) institute payment controls.

Failure of the Recipient to comply with this term may be considered a material noncompliance of this Award by the Contracting Officer.

Term 40. Reporting Subawards and Executive Compensation

A. Reporting of first-tier subawards

- i. *Applicability.* Unless the Recipient is exempt as provided in paragraph D. of this award term, the Recipient must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to an entity (see definitions in paragraph E. of this award term).
- ii. *Where and when to report.*
 1. The Recipient must report each obligating action described in paragraph A.i. of this award term to <https://www.fsrs.gov>.
 2. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported no later than December 31, 2010.)
- iii. *What to report.* The Recipient must report the information about each obligating action that the submission instructions posted at <https://www.fsrs.gov> specify.

B. Reporting Total Compensation of Recipient Executives

- i. *Applicability and what to report.* The Recipient must report total compensation for each of its five most highly compensated executives for the preceding completed fiscal year, if:
 1. The total Federal funding authorized to date under this Award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
 2. In the preceding fiscal year, the Recipient received;
 - a. 80 percent or more of the Recipient's annual gross revenues from Federal procurement contracts (and subcontracts) and

Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

- b. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards)
3. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>).
- ii. *Where and when to report.* The Recipient must report executive total compensation described in paragraph B.i. of this award term:
 1. As part of the Recipient's registration profile at <https://www.sam.gov>.
 2. By the end of the month following the month in which this award is made, and annually thereafter.

C. Reporting of Total Compensation of Subrecipient Executives

- i. *Applicability and what to report.* Unless the Recipient is exempt as provided in paragraph D. of this award term, for each first-tier subrecipient under this award, the Recipient shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if:
 1. In the subrecipient's preceding fiscal year, the subrecipient received:
 - a. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - b. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards)

2. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>).
- ii. *Where and when to report.* The Recipient must report subrecipient executive total compensation described in paragraph C.i. of this award term:
 1. To the recipient.
 2. By the end of the month following the month during which the Recipient makes the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), the Recipient must report any required compensation information of the subrecipient by November 30 of that year.

D. Exemptions

If, in the previous tax year, the Recipient had gross income, from all sources, under \$300,000, it is exempt from the requirements to report:

- i. Subawards; and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

E. Definitions

For purposes of this Award term:

- i. Entity means all of the following, as defined in 2 CFR Part 25:
 1. A Governmental organization, which is a State, local government, or Indian tribe.
 2. A foreign public entity.
 3. A domestic or foreign nonprofit organization.
 4. A domestic or foreign for-profit organization.
 5. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

- ii. Executive means officers, managing partners, or any other employees in management positions.
- iii. Subaward:
 - 1. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received this award and that the recipient awards to an eligible subrecipient.
 - 2. The term does not include the Recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.501 Audit requirements, (f) *Subrecipients and Contractors* and/or 2 CFR 910.501 Audit requirements, (f) *Subrecipients and Contractors*).
 - 3. A subaward may be provided through any legal agreement, including an agreement that the Recipient or a subrecipient considers a contract.
- iv. Subrecipient means an entity that:
 - 1. Receives a subaward from the Recipient under this award; and
 - 2. Is accountable to the Recipient for the use of the Federal funds provided by the subaward.
- v. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - 1. Salary and bonus.
 - 2. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - 3. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available

generally to all salaried employees.

4. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
5. Above-market earnings on deferred compensation which is not tax-qualified.
6. Other compensation, if the aggregate value of all such other compensation (*e.g.* severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

Term 41. System for Award Management and Universal Identifier Requirements

A. Requirement for Registration in the System for Award Management (SAM)

Unless the Recipient is exempted from this requirement under 2 CFR 25.110, the Recipient must maintain the currency of its information in SAM until the Recipient submits the final financial report required under this Award or receive the final payment, whichever is later. This requires that the Recipient reviews and updates the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.

B. Unique Entity Identifier (UEI)

SAM automatically assigns a UEI to all active SAM.gov registered entities. Entities no longer have to go to a third-party website to obtain their identifier. This information is displayed on SAM.gov.

If the Recipient is authorized to make subawards under this Award, the Recipient:

- i. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from the Recipient unless the entity has provided its UEI number to the Recipient.
- ii. May not make a subaward to an entity unless the entity has provided its UEI number to the Recipient.

C. Definitions

For purposes of this award term:

- i. System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of

business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <https://www.sam.gov>).

- ii. Unique Entity Identifier (UEI) is the 12-character, alpha-numeric identifier that will be assigned by SAM.gov upon registration.
- iii. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR Part 25, subpart C:
 - 1. A Governmental organization, which is a State, local government, or Indian Tribe.
 - 2. A foreign public entity.
 - 3. A domestic or foreign nonprofit organization.
 - 4. A domestic or foreign for-profit organization.
 - 5. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- iv. Subaward:
 - 1. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received this Award and that the Recipient awards to an eligible subrecipient.
 - 2. The term does not include the Recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.501 Audit requirements, (f) *Subrecipients and Contractors* and/or 2 CFR 910.501 Audit requirements, (f) *Subrecipients and Contractors*).
 - 3. A subaward may be provided through any legal agreement, including an agreement that the Recipient considers a contract.
- v. Subrecipient means an entity that:
 - 1. Receives a subaward from the Recipient under this Award; and
 - 2. Is accountable to the Recipient for the use of the Federal funds provided by the subaward.

Term 42. Nondisclosure and Confidentiality Agreements Assurances

- A. By entering into this agreement, the Recipient attests that it **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality

agreements or statements prohibiting or otherwise restricting its employees or contactors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

- B. The Recipient further attests that it **does not and will not** use any Federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:
- i. *“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”*
 - ii. The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.
 - iii. Notwithstanding provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

Term 43. Subrecipient and Subcontractor Change Notification

Except for subrecipients and/or subcontractors specifically proposed as part of the Recipient's Application for award, the Recipient must notify the Contracting Officer and Project Officer in writing 30 days prior to the execution of new or modified subrecipient and/or subcontractor agreements, including naming any To Be Determined subrecipients and/or subcontractors. This notification does not constitute a waiver of the prior approval requirements outlined in 2 CFR

part 200 as amended by 2 CFR part 910, nor does it relieve the Recipient from its obligation to comply with applicable Federal statutes, regulations, and executive orders.

In order to satisfy this notification requirement, the Recipient documentation must, as a minimum, include the following:

- A description of the research to be performed, the service to be provided, or the equipment to be purchased.
- Cost share commitment letter if the subrecipient and/or subcontractor is providing cost share to the Award.
- An assurance that the process undertaken by the Recipient to solicit the subrecipient and/or subcontractor complies with their written procurement procedures as outlined in 2 CFR 200.317 through 200.327.
- An assurance that no planned, actual or apparent conflict of interest exists between the Recipient and the selected subrecipient and/or subcontractor and that the Recipient's written standards of conduct were followed.¹
- A completed Environmental Questionnaire, if applicable.
- An assurance that the subrecipient and/or subcontractor is not a debarred or suspended entity.
- An assurance that all required award provisions will be flowed down in the resulting subrecipient and/or subcontractor agreement.

The Recipient is responsible for making a final determination to award or modify subrecipient and/or subcontractor agreements under this agreement, but the Recipient may not proceed with the subrecipient and/or subcontractor agreement until the Contracting Officer determines, and provides the Recipient written notification, that the information provided is adequate.

Should the Recipient not receive a written notification of adequacy from the Contracting Officer within 30 days of the submission of the subrecipient and/or subcontractor documentation stipulated above, the Recipient may proceed to award or modify the proposed subrecipient agreement.

Term 44. Conference Spending

The Recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would

¹ It is DOE's position that the existence of a "covered relationship" as defined in 5 CFR 2635.502(a)&(b) between a member of the Recipient's owners or senior management and a member of a subrecipient's owners or senior management creates at a minimum an apparent conflict of interest that would require the Recipient to notify the Contracting Officer and provide detailed information and justification (including, for example, mitigation measures) as to why the subrecipient agreement does not create an actual conflict of interest. The Recipient must also notify the Contracting Officer of any new subrecipient agreement with: (1) an entity that is owned or otherwise controlled by the Recipient; or (2) an entity that is owned or otherwise controlled by another entity that also owns or otherwise controls the Recipient, as it is DOE's position that these situations also create at a minimum an apparent conflict of interest.

defray the cost to the United States Government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States Government would otherwise exceed \$20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

Term 45. Recipient Integrity and Performance Matters

A. General Reporting Requirement

If the total value of the Recipient's currently active Financial Assistance awards, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this term. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

B. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- i. Is in connection with the award or performance of a Financial Assistance, cooperative agreement, or procurement contract from the Federal Government;
- ii. Reached its final disposition during the most recent five-year period; and
- iii. Is one of the following:
 1. A criminal proceeding that resulted in a conviction, as defined in paragraph E of this award term and condition;
 2. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 3. An administrative proceeding, as defined in paragraph E of this term, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 4. Any other criminal, civil, or administrative proceeding if:
 - a. It could have led to an outcome described in paragraph B.iii.1, 2, or 3 of this term;

- b. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
- c. The requirement in this term to disclose information about the proceeding does not conflict with applicable laws and regulations.

C. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph B of this term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

D. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph A of this term, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, Financial Assistance awards, (including cooperative agreement awards) with a cumulative total value greater than \$10,000,000, must disclose semiannually any information about the criminal, civil, and administrative proceedings.

E. Definitions

For purposes of this term:

- i. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or Financial Assistance awards. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- ii. Conviction means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of *nolo contendere*.
- iii. Total value of currently active Financial Assistance awards, cooperative agreements and procurement contracts includes—
 - 1. Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - 2. The value of all expected funding increments under a Federal award and options, even if not yet exercised.

Term 46. Export Control

The United States government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of Federal agencies and regulations that govern exports that are collectively referred to as "Export Controls." The Recipient is responsible for ensuring compliance with all applicable United States Export Control laws and regulations relating to any work performed under a resulting award.

The Recipient must immediately report to DOE any export control violations related to the project funded under this award, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

Term 47. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

As set forth in 2 CFR 200.116, recipients and subrecipients are prohibited from obligating or expending project funds (Federal funds and recipient cost share) to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
 - (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.
 - (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation,

reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

See Public Law 115-232, section 889 for additional information.

Term 48. Fraud, Waste and Abuse

The mission of the DOE Office of Inspector General (OIG) is to strengthen the integrity, economy and efficiency of DOE's programs and operations including deterring and detecting fraud, waste, abuse, and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of Department of Energy activities to include grants, cooperative agreements, loans, and contracts. The OIG maintains a Hotline for reporting allegations of fraud, waste, abuse, or mismanagement. To report such allegations, please visit <https://www.energy.gov/ig/ig-hotline>.

Additionally, the Recipient must be cognizant of the requirements of 2 CFR 200.113 Mandatory disclosures, which states:

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII of 2 CFR Part 200 are required to report certain civil, criminal, or administrative proceedings to SAM (currently FAPIIS). Failure to make required disclosures can result in any of the remedies described in 200.339. (See also 2 CFR part 180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.)

Term 49. Interim Conflict of Interest Policy for Financial Assistance Policy

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) can be found at <https://www.energy.gov/management/departments-energy-interim-conflict-interest-policy-requirements-financial-assistance>. This policy is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under this Award. The term "Investigator" means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities, with the exception of DOE National Laboratories. Further, the Recipient must identify all financial conflicts of interests (FCOI), i.e., managed and unmanaged/unmanageable, in its initial and ongoing FCOI reports. Prior to award, the Recipient was required to: 1) ensure all Investigators on this Award completed their significant financial disclosures; 2) review the disclosures; 3) determine

whether a FCOI exists; 4) develop and implement a management plan for FCOIs; and 5) provide DOE with an initial FCOI report that includes all FCOIs (i.e., managed and unmanaged/unmanageable). Within 180 days of the date of the Award, the Recipient must be in full compliance with the other requirements set forth in DOE's interim COI Policy.

Term 50. Organizational Conflict of Interest

Organizational conflicts of interest are those where, because of relationships with a parent company, affiliate, or subsidiary organization, the Recipient is unable or appears to be unable to be impartial in conducting procurement action involving a related organization (2 CFR 200.318(c)(2)).

The Recipient must disclose in writing any potential or actual organizational conflict of interest to the DOE Contracting Officer. The Recipient must provide the disclosure prior to engaging in a procurement or transaction using project funds with a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe. For a list of the information that must be included the disclosure, see Section VI. of the DOE interim Conflict of Interest Policy for Financial Assistance at <https://www.energy.gov/management/departments-energy-interim-conflict-interest-policy-requirements-financial-assistance>.

If the effects of the potential or actual organizational conflict of interest cannot be avoided, neutralized, or mitigated, the Recipient must procure goods and services from other sources when using project funds. Otherwise, DOE may terminate the Award in accordance with 2 CFR 200.340 unless continued performance is determined to be in the best interest of the federal government.

The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-federal entities, with the exception of DOE National Laboratories. The Recipient is responsible for ensuring subrecipient compliance with this term.

If the Recipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the Recipient must maintain written standards of conduct covering organizational conflicts of interest.

Term 51. Participants and Other Collaborating Organizations

Prior to award, the Recipient was required to provide the following information on participants and other collaborating organizations. If there are any changes to Participants and Collaborating Organizations information previously submitted to DOE, the Recipient must submit updated information within thirty (30) calendar days after the end of the quarterly reporting period in which the change occurred:

A. What individuals have worked on the project

Provide the following information for individuals at the prime recipient and subrecipient level: (1) all senior and key personnel; and (2) each person who has worked or is

expected to work at least one person month per year on the project regardless of the source of compensation (a person month equals approximately 160 hours of effort).

- i. Name
- ii. Organization
- iii. Job Title
- iv. Role in the project
- v. Start and end date (month and year) working on the project
- vi. State, U.S. territory, and/or country of residence
- vii. Whether this person collaborated with an individual or entity located in a foreign country in connection with the scope of this Award, and
- viii. If yes to vii, whether the person traveled to the foreign country as part of that collaboration, and, if so, where and what the duration of stay was.

B. Organizations

Identify all subrecipients, contractors, U.S. National Laboratories, partners, and collaborating organizations. Recipients must also include all foreign collaborators as outlined in the Foreign Collaboration Considerations term of the award Terms and Conditions. For each, provide name, UEI, zip code or latitude/longitude, role in the project, contribution to the project, and start and end date.

Term 52. Community Benefits Outcomes and Objectives

The recipient must meet the stated objectives and milestones set forth in its Community Benefits Outcomes and Objectives, which is incorporated into the Award per Term 56. A report on the recipient's progress toward meeting the objectives and milestones set forth in the Community Benefits Outcomes and Objectives must be included in the continuation application.

Term 53. Human Subjects Research

Research involving human subjects, biospecimens, or identifiable private information conducted with Department of Energy (DOE) funding is subject to the requirements of DOE Order 443.1C, *Protection of Human Research Subjects*, 45 CFR Part 46, *Protection of Human Subjects (subpart A which is referred to as the "Common Rule")*, and 10 CFR Part 745, *Protection of Human Subjects*.

Federal regulation and the DOE Order require review by an Institutional Review Board (IRB) of all proposed human subjects research projects. The IRB is an interdisciplinary ethics board responsible for ensuring that the proposed research is sound and justifies the use of human subjects or their data; the potential risks to human subjects have been minimized; participation is voluntary; and clear and accurate information about the study, the benefits and risks of participating, and how individuals' data/specimens will be protected/used, is provided to potential participants for their use in determining whether or not to participate.

The Recipient shall provide the Federal Wide Assurance number identified in item 1 below and the certification identified in item 2 below to DOE prior to initiation of any project that will involve interactions with humans in some way (e.g., through surveys); analysis of their identifiable data (e.g., demographic data and energy use over time); asking individuals to test devices, products, or materials developed through research; and/or testing of commercially available devices in buildings/homes in which humans will be present. *Note:* This list of examples is illustrative and not all inclusive.

No DOE funded research activity involving human subjects, biospecimens, or identifiable private information shall be conducted without:

- 1) A registration and a Federal Wide Assurance of compliance accepted by the Office of Human Research Protection (OHRP) in the Department of Health and Human Services; and
- 2) Certification that the research has been reviewed and approved by an Institutional Review Board (IRB) provided for in the assurance. IRB review may be accomplished by the awardee's institutional IRB; by the Central DOE IRB; or if collaborating with one of the DOE national laboratories, by the DOE national laboratory IRB.

The Recipient is responsible for ensuring all subrecipients comply and for reporting information on the project annually to the DOE Human Subjects Research Database (HSRD) at <https://science.osti.gov/HumanSubjects/Human-Subjects-Database/home>. *Note:* If a DOE IRB is used, no end of year reporting will be needed.

Additional information on the DOE Human Subjects Research Program can be found at: <https://science.osti.gov/ber/human-subjects>.

Term 54. Affirmative Action and Pay Transparency Requirements

All federally assisted construction contracts exceeding \$10,000 annually will be subject to the requirements of Executive Order 11246:

- (1) Recipients, subrecipients, and contractors are prohibited from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin.
- (2) Recipients and Contractors are required to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. This includes flowing down the appropriate language to all subrecipients, contractors and subcontractors.
- (3) Recipients, subrecipients, contractors and subcontractors are prohibited from taking adverse employment actions against applicants and employees for asking about,

discussing, or sharing information about their pay or, under certain circumstances, the pay of their co-workers.

The Department of Labor's (DOL) Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule contractors for compliance evaluations. OFCCP's Technical Assistance Guide should be consulted to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. See OFCCP's Technical Assistance Guide at:

<https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec>.

Term 55. Potentially Duplicative Funding Notice

If the Recipient or subrecipients have or receive any other award of federal funds for activities that potentially overlap with the activities funded under this Award, the Recipient must promptly notify DOE in writing of the potential overlap and state whether project funds (i.e., recipient cost share and federal funds) from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items under this Award. If there are identical cost items, the Recipient must promptly notify the DOE Contracting Officer in writing of the potential duplication and eliminate any inappropriate duplication of funding.

Subpart D. Inflation Reduction Act (IRA) Specific Requirements

Term 56. Program Launch Approval

The Recipient must not disburse rebate funds nor accept rebate claims until it receives DOE approval to proceed with program launch. The Recipient must address and comply with all program requirements to receive Federal funding and to launch State programs. If the Recipient launches the rebate program(s) or disburses rebate funds prior to DOE approval, DOE reserves the right to take appropriate action.

Term 57. Implementation Blueprint Submission


The Recipient must submit a complete State Implementation Blueprint and related plans within a minimum of 60 days prior to planned program launch. Any application requirements that were deferred to the State Implementation Blueprint must also be addressed. States must receive DOE approval on the State Implementation Blueprint and related plans before launching their program. Once DOE approval is received, the State Implementation Blueprint and supporting plans become immediately binding to the award and will be enforceable. The State Implementation Blueprint and supporting plans will be incorporated into the award Terms & Conditions by reference and will be incorporated formally in the next award modification, following approval by DOE.

Term 58. Reporting Tracking and Segregation of Incurred Costs

IRA funds may be used in conjunction with other funding, as necessary to complete projects, but tracking and reporting must be separate. The Recipient must keep separate records for IRA funds and must ensure those records comply with the requirements of the IRA.

EXHIBIT B

ASSISTANCE AGREEMENT

| | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 1. Award No. DE-SE0000299 | | 2. Modification No. | | 3. Effective Date 05/01/2024 | | 4. CFDA No. 81.128 | |
| 5. Awarded To STATE OF CALIFORNIA ENERGY COMMISSION Attn: Adrienne Winuk 715 P Street sacramento CA 958145504 | | | | 6. Sponsoring Office State and Community Energy Programs U.S. Department of Energy 1000 Independence Ave, SW washington DC 20585 | | | 7. Period of Performance 05/01/2024 through 04/30/2027 |
| 8. Type of Agreement <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other | | 9. Authority IIJA PL 117-58, 2021 110-140 EISA of 2007 | | | 10. Purchase Request or Funding Document No. 24SE000369 | | |
| 11. Remittance Address STATE OF CALIFORNIA ENERGY COMMISSION Attn: CALIFORNIA ENERGY COMMISSION 715 P Street sacramento CA 95814 | | | | 12. Total Amount Govt. Share: \$4,522,300.00 Cost Share : \$0.00 Total : \$4,522,300.00 | | 13. Funds Obligated This action: \$4,522,300.00 Total : \$4,522,300.00 | |
| 14. Principal Investigator | | 15. Program Manager Henry D. Fowler Phone: 240-562-1595 | | | 16. Administrator Golden Field Office U.S. Department of Energy Golden Field Office 15013 Denver West Parkway Golden CO 80401 | | |
| 17. Submit Payment Requests To Payment - Direct Payment from U.S. Dept of Treasury | | | 18. Paying Office Payment - Direct Payment from U.S. Dept of Treasury | | | 19. Submit Reports To See Attachment 2 | |
| 20. Accounting and Appropriation Data 05461-2022-31-200835-41020-1005917-0000000-0000000-0000000 | | | | | | | |
| 21. Research Title and/or Description of Project BIL: EECBG Program - State of California Energy Commission | | | | | | | |
| For the Recipient | | | | For the United States of America | | | |
| 22. Signature of Person Authorized to Sign <i>Adrienne Winuk</i> | | | | 25. Signature of Grants/Agreements Officer  | | | |
| 23. Name and Title Adrienne Winuk SSM II | | 24. Date Signed 5/29/2024 | | 26. Name of Officer David R. Welsh | | 27. Date Signed 05/20/2024 | |

| CONTINUATION SHEET | | REFERENCE NO. OF DOCUMENT BEING CONTINUED DE-SE0000299 | | | PAGE 2 | OF 2 |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------|-------------------|---------------|---------|
| NAME OF OFFEROR OR CONTRACTOR STATE OF CALIFORNIA ENERGY COMMISSION | | | | | | |
| ITEM NO. (A) | SUPPLIES/SERVICES (B) | QUANTITY (C) | UNIT (D) | UNIT PRICE (E) | AMOUNT (F) | |
| | <p>UEI: VKM2SF7167N9</p> <p>The purpose of this action is to obligate EECBG BIL funds and to authorize activities under Section 40552.</p> <p>In addition to this Assistance Agreement, this award consists of the items listed on the Cover Page of the Special Terms and Conditions.</p> <p>The Project Period for this award is 05/01/2024 through 04/30/2027</p> <p>This award is subject to the Financial Assistance regulations contained in 2 CFR 200 as amended by 2 CFR Part 910.</p> <p>Funding for all awards and future budget periods is contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.</p> <p>DOE Award Administrator: Holly Wilson Email: holly.wilson@ee.doe.gov Phone: 240-562-1779</p> <p>DOE Project Officer: Henry Fowler E-mail: henry.fowler@hq.doe.gov Phone: 720-989-7843</p> <p>Recipient Business Officer: Gordon Kashiwagi E-mail: gordon.kashiwagi@energy.ca.gov Phone: 916-891-8527</p> <p>Recipient Principal Investigator: Gabriel Taylor E-mail: gabriel.taylor@energy.ca.gov Phone: 916-903-4659</p> <p>"Electronic signature or signatures as used in this document means a method of signing an electronic message that--</p> <p>(A) Identifies and authenticates a particular person as the source of the electronic message;</p> <p>(B) Indicates such person's approval of the information contained in the electronic message; and,</p> <p>(C) Submission via FedConnect constitutes electronically signed documents."</p> <p>ASAP: YES Extent Competed: NOT AVAIL FOR COMP</p> <p>Davis-Bacon Act: YES PI: Taylor, Gabriel</p> <p>Fund: 05461 Appr Year: 2022 Allottee: 31 Report</p> <p>Entity: 200835 Object Class: 41020 Program: 1005917 Project: 0000000 WFO: 0000000 Local Use: 0000000</p> | | | | | |

JULY 2004

U.S. Department of Energy

Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)

ACTIVITY FILE

Grant Number: SE0000299, State: CA, Program Year: 2023

Recipient: California

SEO title : Local Government Building Decarbonization Challenge

Revision status: Active (pending add)

1. Activity

| | | |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Strategy Development | <input type="checkbox"/> Technical Consultant Services | <input type="checkbox"/> Building Energy Audits |
| <input type="checkbox"/> Financial Incentive Programs | <input type="checkbox"/> Energy Efficiency Retrofits | <input checked="" type="checkbox"/> Energy Efficiency and Conservation Programs for Buildings and Facilities |
| <input type="checkbox"/> Development and Implementation of Transportation Programs | <input type="checkbox"/> Building Codes and Inspections | <input type="checkbox"/> Energy Distribution Technologies for Energy Efficiency |
| <input type="checkbox"/> Material Conservation Programs | <input type="checkbox"/> Reduction and Capture of Methane and Greenhouse Gases | <input type="checkbox"/> Traffic Signals and Street Lighting |
| <input type="checkbox"/> Renewable Energy Technologies on Government Buildings | <input type="checkbox"/> Programs for Financing, Purchasing, and Installing EE-RE, and Zero-Emission Transportation Measures | <input type="checkbox"/> Administrative |
| <input type="checkbox"/> States Sub-grants to Formula-Ineligible Communities (states only) | | |

Blueprints

| |
|----------------------------------------------------------------------------------------------------------------------------------|
| Energy Planning |
| <input type="checkbox"/> 1. Energy Planning |
| Efficient Buildings |
| <input type="checkbox"/> 2a. Energy Efficiency - Energy Audits and Building Upgrades |
| <input type="checkbox"/> 2b. Energy Savings Performance Contracts: Energy Efficiency and Electrification in Government Buildings |
| <input type="checkbox"/> 2c. Building Electrification Campaign |
| <input type="checkbox"/> 2d. Building Performance Standards & Stretch Codes |
| Renewables |
| <input type="checkbox"/> 3a. Solar & Storage - Power Purchase Agreements and Direct Ownership |
| <input type="checkbox"/> 3b. Community Solar |
| <input type="checkbox"/> 3c. Solarize Campaign |
| <input type="checkbox"/> 3d. Renewable Resource Planning for Rural and Tribal Communities |
| Electric Transportation |
| <input type="checkbox"/> 4a. Electric Vehicles and Fleet Electrification |
| <input type="checkbox"/> 4b. EV Charging Infrastructure for the Community |
| Finance |
| <input type="checkbox"/> 5. Unlocking Sustainable Financing Solutions for Energy Projects and Programs with Revolving Loan Funds |
| Workforce |
| <input type="checkbox"/> 6. Workforce Development |

2. State: CA

3. Sectors

| | | |
|-----------------------------------------------------|------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Agriculture / Agricultural | <input checked="" type="checkbox"/> Local Government | <input type="checkbox"/> Residential |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Low / Limited Income | <input type="checkbox"/> State or Territory Government |
| <input type="checkbox"/> Higher Education | <input type="checkbox"/> Non-profits | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Tribal / Native American |
| <input type="checkbox"/> K-12 Schools | | |

4. Technology and/or Topic Areas

| | |
|------------------------------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Audits and Assessments (Energy, Water, and Process) | <input type="checkbox"/> Environmental Justice |
| <input type="checkbox"/> Benchmarking | <input type="checkbox"/> Financial Incentives |

U.S. Department of Energy

Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)

ACTIVITY FILE

Grant Number: SE0000299, State: CA, Program Year: 2023

Recipient: California

- | | |
|----------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Energy Savings Performance Contracting | <input type="checkbox"/> Fuel Cell and Hydrogen Technologies |
| <input type="checkbox"/> Biofuels | <input type="checkbox"/> Geothermal |
| <input type="checkbox"/> Building Energy Codes & Inspection Services | <input type="checkbox"/> Hydropower / Hydrokinetic Power |
| <input type="checkbox"/> Capital Investments & Financing | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Biomass | <input type="checkbox"/> On-site Renewable Energy |
| <input type="checkbox"/> Clean Energy / Clean Energy Technologies | <input type="checkbox"/> Pedestrian & Bike Infrastructure |
| <input type="checkbox"/> Commuting Infrastructure | <input type="checkbox"/> Reduce Commuting |
| <input type="checkbox"/> Distributed Energy Resources | <input type="checkbox"/> Resiliency |
| <input type="checkbox"/> Education and Outreach | <input type="checkbox"/> Retrofits |
| <input type="checkbox"/> Electric Vehicles and Infrastructure | <input type="checkbox"/> Solar |
| <input checked="" type="checkbox"/> Energy Affordability | <input type="checkbox"/> Workforce Development |
| <input type="checkbox"/> Energy Management | <input type="checkbox"/> STEM Education |
| <input type="checkbox"/> Energy Audits | <input type="checkbox"/> Storage |
| <input type="checkbox"/> Energy Certification Programs | <input checked="" type="checkbox"/> Strategy Development |
| <input type="checkbox"/> Energy Conservation | <input type="checkbox"/> Technical Assistance |
| <input type="checkbox"/> Energy Efficiency | <input type="checkbox"/> Traffic Signals & Street Lighting |
| <input checked="" type="checkbox"/> Energy Equity | <input type="checkbox"/> Waste to Energy / Solid Waste Minimization |
| <input type="checkbox"/> Assessments & Feasibility Studies | <input type="checkbox"/> Weatherization |
| <input type="checkbox"/> ENERGY STAR | <input type="checkbox"/> Wind |
| <input type="checkbox"/> Energy Workforce Training | |

5. Estimated annual energy savings: MBtus

6. Description (executive summary of goals and objectives)*

The California Energy Commission (CEC) is California's State Energy Office (SEO) and the state's primary energy policy and planning agency. The CEC plans to use the Energy Efficiency and Conservation Block Grants (EECBG) award to establish a new Local Government Building Decarbonization Challenge (LGBDC) program. This program will provide funds to local governments to advance building decarbonization in their community. A minimum of 40% of the overall benefits will flow to disadvantaged communities per Justice40 requirements. California has studied, planned, and acted over the last 17 years to reduce the emissions of greenhouse gases (GHGs), as detailed annually in the state's Integrated Energy Policy Report. This program will build on the successes of the 2017 Local Government Challenge and 2020 Tribal Government Challenge programs, programs funded by the 2009 American Recovery and Reinvestment Act (ARRA) funds, as well as other state programs, to help communities meet California's climate and energy goals.

The EECBG funds will be used for local government planning in the areas of community building decarbonization; municipal building decarbonization; advancing municipal operations to support building decarbonization; developing local codes, ordinances, and voluntary decarbonization measures; and building decarbonization related workforce development activities. CEC wants to provide flexibility to the local governments to develop proposals that reduce greenhouse gas emissions and best meet their needs by providing multiple project activities for planning. The CEC will encourage collaboration between local jurisdictions applying these funds by including two funding groups: a single jurisdiction or a group of jurisdictions applying as a consortium. Additionally, preference points will be awarded to applicants that have a plan to broadcast and/or showcase the project results, when completed, to other local governments. The CEC also plans to leverage the EECBG funds with ARRA funds for a future program dedicated to tribes.

7. Activity milestones

| Milestone Description | Planned Amount |
|-----------------------------------------|----------------|
| Release Grant Funding Opportunity (GFO) | 2 |
| Grant Funding Opportunity Workshop | 2 |
| Award Grants | 10 |

8. Activity performance metrics

a. Specific metric activity (required)**

U.S. Department of Energy

Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)

ACTIVITY FILE

Grant Number: SE0000299, State: CA, Program Year: 2023

Recipient: California

7. Energy Policy and Planning

9. Activity funds by source

a. EECBGBIL grant (all funds in the approved budget)

| Fund Source | Planned Amount |
|---------------------------|----------------|
| Federal | |
| Fund Source Type: Federal | \$4,522,300.00 |
| Total | \$4,522,300.00 |

b. Leveraged funds anticipated (outside approved budget)

| Fund Source | Planned Amount |
|------------------|----------------|
| No records found | |
| Total | \$0.00 |

*Please use additional pages if more space is needed.

**Mandatory requirement



Federal Assistance Reporting Checklist

| Attachment 2 | | |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------------------------------------------------------------|
| 1. Award Number: DE-SE0000299.0000 | 2. Program/Project Title: EECBG | |
| 3. Recipient: State of California | | |
| 4. Reporting Requirements (see also the Special Instructions) | Frequency | Addresses |
| I. PROJECT MANAGEMENT REPORTING | | |
| <input checked="" type="checkbox"/> A. Performance Report | Q | A. https://www.page.energy.gov |
| 1. Status and Milestones | | |
| 2. Quantitative | | |
| 3. Narrative | | |
| <input checked="" type="checkbox"/> B. Financial Report (SF-425) | Q | B. https://www.page.energy.gov |
| <input type="checkbox"/> C. Other (see Special Instructions) | A5 | C. See Special Instructions |
| II. AWARD MANAGEMENT REPORTING | | |
| <input checked="" type="checkbox"/> A. Tangible Personal Property Report - Annual Property Report (SF-428 & SF-428A) | Y | A. Send Email to DOE Project Officer |
| <input checked="" type="checkbox"/> B. Tangible Personal Property Report – Disposition Request/Report (SF-428 & SF-428C) | A5 | B. https://www.page.energy.gov |
| <input checked="" type="checkbox"/> C. Uniform Commercial Code (UCC) Financing Statements | A5 | C. https://www.page.energy.gov |
| <input checked="" type="checkbox"/> D. Federal Subaward Reporting System (FSRS) | A5 | D. See section II. D. for instructions and due dates |
| <input type="checkbox"/> E. Annual Incurred Cost Proposal | A5 | E. FSRS |
| <input checked="" type="checkbox"/> F. Single Audit: States, Locals, Tribal Governments, and Non-Profits | Y180 | F. See section II. F. for instructions and due dates |
| <input checked="" type="checkbox"/> G. Other | O | G. See section II. G. for instructions and due dates |
| 1. Annual Historic Preservation Report | Y | G1. Email to project officer & EECBG.NEPA@ee.doe.gov |
| <input checked="" type="checkbox"/> H. Davis Bacon | S | H1. https://www.page.energy.gov |
| 1. Semi-Annual Davis Bacon | W | H2. https://www.page.energy.gov |
| 2. Weekly Payroll report | | |
| III. CLOSEOUT REPORTING | | |
| <input checked="" type="checkbox"/> A. Tangible Personal Property Report – Final Report (SF-428 & SF-428B) | F | A. https://www.page.energy.gov |
| <input type="checkbox"/> B. Other (see Special Instructions) | F | B. See Special Instructions |



Federal Assistance Reporting Checklist

[illegible]



Federal Assistance Reporting Checklist

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Federal Assistance Reporting Checklist

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Federal Assistance Reporting Checklist

Reporting Instructions

******* *Throughout the performance of the project, it is important that you mark Protected Data/Limited Rights Data as described in Appendix A. It is equally important that you not submit Protected Personally Identifiable Information (Protected PII) to DOE. See Appendix A for guidance on Protected PII.* *******

I. Project Management Reporting

A. Performance Report

| | |
|----------------------|-------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within 30 calendar days after the end of the quarterly reporting period (January 30, April 30, July 30, and October 30) |

Quarterly, the prime recipient is required to submit a Performance Report for the project. This report summarizes the entirety of work performed by the prime recipient, subrecipients, and contractors. The Performance Report contains qualitative information on the project progress, and captures quantitative information on the project progress. The PR must include the following information. Your DOE project team will provide a form for submission.

1. Organizations

Identify all subrecipients, contractors, U.S. National Laboratories, partners, and collaborating organizations. Recipients must also include all foreign collaborators as outlined in the Foreign Collaboration Considerations term of the award Terms and Conditions. For each, provide name, UEI, zip code or latitude/longitude, role in the project, contribution to the project, and start and end date. This information can be included in the qualitative section of the report.

2. Tasks and Milestones

Enter all tasks and milestones identified in your activity file. Each reporting period, update the status of the task/milestone. More milestones can be added as relevant to your project.

3. Outlays

Using your approved budget, enter all of the expenditures incurred each reporting period. Also include recipient cost share.



Federal Assistance Reporting Checklist

4. Metrics

Report on your primary process metric selected in the application and any additional metrics that are applicable to your project. Please refer to the [EECBG Program Process Metrics](#), [EECBG-BIL-Reporting-Guidance.pdf \(energy.gov\)](#), and the [Eligible Activity Areas and their Recommended Process Metrics \(energy.gov\)](#) per your activity.

5. Products

Can be uploaded as an attachment to the PAGE performance report.

What has the project produced?

In the qualitative section of this report, list any products resulting from the project during the reporting period. Examples of products include: publications, conference papers, and presentations; website(s); technologies or techniques; ; and other products, such as data or databases, physical collections, audio or video products, software or NetWare, models, educational aids or curricula, instruments or equipment, research material, interventions (e.g., clinical or educational), new business creation or any other public release of information related to the project.

a. Publications, conference papers, and presentations

Report the publication(s) resulting from the work under this award.

Please note: Recipients must use the DOE acknowledgement and legal disclaimer language as described in the Special Terms and Conditions.

The recipient is reminded that all data produced under the award should comply with the award's data management plan (DMP). The DMP provides a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publication. At a minimum, the DMP (1) describes how data sharing and preservation will enable validation of the results from the proposed work, how the results could be validated if data are not shared or preserved and (2) has a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publications.

i. Publications, conference papers and presentations

Identify any other publications, conference papers and/or presentations not reported above. Specify the status of the publication as noted above.

b. Website(s)



Federal Assistance Reporting Checklist

List the URL for any Internet site(s) that disseminates the results of the research activities. A short description of each site should be provided. It is not necessary to include the publications already specified above in this section.

c. Other products

Identify any other significant products that were developed under this project. Describe the product and how it is being shared. Examples of other products are: Data or databases; Physical collections; Audio or video products; Software or NetWare; Models; Educational aids or curricula; Instruments or equipment; Research material (e.g., germplasm, cell lines, DNA probes, animal models); Interventions (e.g. clinical, educational); new business creation; and Other.

6. Participants

The following information on participants (individuals) was provided during award negotiations. This can be updated in the awards contacts section in <https://www.page.energy.gov>. On a (quarterly/semi-annual/annual) basis, provide updates as needed. For most projects, recipients must identify and provide specific information for the following individuals at the prime and subrecipient level: (1) all senior and key personnel (including project director(s)/principal investigator(s)); and (2) each person who has worked or is expected to work at least 160 hours on the project at least one person month per year on the project regardless of the source of compensation (a person month equals approximately 160 hours of effort). In limited circumstances, typically large-scale construction projects, recipients are only required to report on (1) senior and key personnel for the prime recipient and subrecipients. Please refer to the Participants and Other Collaborating Organizations Term in your award Terms and Conditions to determine what level of reporting is required for your specific award.

a. What individuals have worked on the project?

Provide the following information for individuals at the prime recipient and subrecipient level: (1) all senior and key personnel; and (2) each person who has worked or is expected to work at least one person month per year on the project regardless of the source of compensation (a person month equals approximately 160 hours of effort). This information can be added as an attachment in the <https://www.page.energy.gov> document library.

- i. Name
- ii. Organization
- iii. Job Title
- iv. Role in the project
- v. Start and end date (month and year) working on the project



Federal Assistance Reporting Checklist

- vi. State, U.S. territory, and/or country of residence
- vii. Whether this person collaborated with an individual or entity located in a foreign country in connection with the scope of this Award, and
- viii. If yes to a.vii, whether the person traveled to the foreign country as part of that collaboration, and, if so, where and what the duration of stay was.

7. Special Reporting Requirements

Respond to any special reporting requirements specified in the award terms and conditions, as well as any award specific reporting requirements.

8. Qualitative reporting requirements

In this section, provide any additional description about the project. Can be used to elaborate on information requested above and can include on impact, changes or issues, achievements, or more.

B. Financial Report SF-425 Federal Financial Report

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within 30 calendar days after the end of the quarterly reporting period (January 30, April 30, July 30 and October 30) and within 120 calendar days after expiration or termination of the award |

Semi-annually the prime recipient is required to submit a completed SF-425 for the project to DOE, covering the entirety of work performed by the prime recipient, subrecipients, and contractors – to DOE.

C. Other (see Special Instructions)

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |



Federal Assistance Reporting Checklist

II. Award Management Reporting

A. Tangible Personal Property Report – Annual Property Report (SF-428 & SF-428A)

| | |
|----------------------|--------------------------------------------------------------------------------------|
| Submit to: | Send Email to DOE Project Officer |
| Submission deadline: | Within 90 calendar days after the end of the annual reporting period when applicable |

The prime recipient must submit an annual inventory of federally-owned property (government-furnished) where the award specifies that title to the property vests with the federal government, whether it is in the possession of the prime recipient or subrecipient(s). The prime recipient must complete an SF-428 and SF-428A, available at [Post-Award Reporting Forms | GRANTS.GOV](#).

B. Tangible Personal Property Report – Disposition Request/Report (SF-428 & SF-428C)

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within 5 calendar days of the event or as specified when applicable |

The prime recipient must request disposition instructions for or report disposition of federally-owned property or equipment acquired with project funds, whether the property or equipment is/was in the possession of the prime recipient or subrecipient(s). Recipients may also be required to provide compensation to the awarding agency when acquired equipment is sold or retained for use on activities not sponsored by the federal government. Any equipment with an acquisition cost above \$5,000 must be included in the inventory.

If disposition occurs at any time other than award closeout (i.e., at any time throughout the life of the project or after project completion and closeout as long as the federal government retains an interest in the item), the prime recipient must complete an SF-428 and SF-428C, available at [Post-Award Reporting Forms | GRANTS.GOV](#)

If disposition instructions are requested at the time of award closeout, the prime recipient must submit the SF-428 and SF-428B (see **III. Closeout Reporting**).

Only the DOE Contracting Officer has authority to approve disposition requests and issue disposition instructions.

C. Uniform Commercial Code (UCC) Financing Statements

| | |
|------------|---------------------------------------------------|
| Submit to: | Send Email to DOE Project Officer |
|------------|---------------------------------------------------|



Federal Assistance Reporting Checklist

| | |
|----------------------|-----------------------------------------------------------------|
| Submission deadline: | Within five (5) calendar days after the event, or as specified. |
|----------------------|-----------------------------------------------------------------|

If a for-profit recipient or subrecipient desires to purchase a piece of equipment for their project, and the per-unit dollar value of said equipment is \$5,000 or more, and the federal share of the financial assistance agreement is more than \$1M, the recipient or subrecipient must file a UCC financing statement.

A UCC financing statement provides public notice that the federal government has an undivided reversionary interest in the equipment, and as such the equipment cannot be sold or used as collateral for a loan (encumbered).

The for-profit recipient or subrecipient must file the UCC financing statement(s) with the Secretary of State where the equipment will be physically located and must pay any associated costs for such filings.

The initial UCC financing statement may also be referred to as a UCC1. For additional pieces of equipment not specified in the award budget, TBD equipment, or equipment needed in future budget periods, the recipient can file an amendment to the original UCC1 financing statement, by submitting the UCC3 financing statement amendment.

Each UCC financing statement or amendment is to be filed with the appropriate Secretary of State office, where the equipment will be physically located.

Note: All costs associated with filing UCC financing statements, UCC financing statement amendments, and UCC financing statement terminations, are allowable and allocable costs which can be charged to the federal award.

At a minimum, the recipient must have stated in their UCC financing statement in block 4. (collateral) the following:

- "Title to all equipment (not real property) purchased with federal funds under this financial assistance agreement is conditional pursuant to the terms of 2 CFR 910.360, and the federal government retains an undivided reversionary interest in the equipment at the federal cost-share proportion specified in the award terms and conditions."
- Federal Award Identification Number (e.g., DE-EE000XXXX)

D. Federal Subaward Reporting System (FSRS)

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.fsrs.gov/ |
| Submission deadline: | The prime recipient is required to file a FFATA sub-award report by the end of the month following the month in which the prime recipient awards any sub-grant greater than or equal to \$30,000. |



Federal Assistance Reporting Checklist

The Federal Subaward Reporting System (FSRS) is the reporting tool prime recipients use to capture and report subaward and executive compensation data regarding their first-tier subrecipients to meet the FFATA reporting requirements. Prime recipients will report against subrecipients' awards. The subrecipient information entered in FSRS will then be displayed on USASpending.gov associated with the prime recipient's award furthering federal spending transparency.

The prime recipient is required to file a FFATA sub-award report by the end of the month following the month in which the prime recipient awards any sub-award greater than or equal to \$30,000.

E. Annual Incurred Cost Proposals

| | |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | <p>If DOE is the Cognizant Federal Agency, send the Annual Incurred Cost Proposal to one of the following offices:</p> <ul style="list-style-type: none"> • CostPrice@ee.doe.gov (if the Golden Field Office is Cognizant); OR • IndirectRates@hq.doe.gov (if OCED is Cognizant) • PricingGroup@netl.doe.gov (if NETL is Cognizant) <p>Otherwise, submit the proposal to the Recipient's appropriate Cognizant Federal Agency office.</p> |
| Submission deadline: | <p>Within 180 calendar days after the close of the recipient's fiscal year*</p> <p>*The end of the period of the performance, or closure of an award, does not dismiss this reporting requirement.</p> |

Prime recipients must submit a certified annual Incurred Cost Proposal (ICP), reconciled to its financial records, in order to finalize and reconcile billing rates incurred and billed to the Government.

An ICP submission is required unless one of the following conditions apply to the DOE award:

- Recipient elected to apply the 10% de minimis rate as allowed under 2 CFR 200.414(f); or
- Recipient has a pre-determined Negotiated Indirect Cost Rate Agreement (NICRA).

F. Single Audit: States, Local Government, Tribal Governments, Institution of Higher Education (IHE), or Non-Profit Organization

| | |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | <p>Federal Audit Clearinghouse -</p> <p>https://harvester.census.gov/facweb/Default.aspx</p> |
| Submission deadline: | <p>Within the earlier of 30 days after receipt of the auditor's report(s) or 9 months after the end of the audit period (recipient's fiscal year-end)*</p> <p>*The end of the period of the performance, or closure of an award, does not dismiss this reporting requirement.</p> |



Federal Assistance Reporting Checklist

As required by 2 CFR 200 Subpart F, non-federal entities that expend \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted. The single audit must be conducted in accordance with §200.514 Scope of audit, except when it elects to have a program-specific audit conducted.

For most single audits, the requirement is for annual single audits. However, there are occasions where a single audit is not required annually. Per 2 CFR 200.504 - Frequency of audits, a state, local government, or Indian tribe that is required by constitution or statute to undergo its audits less frequently than annually, is permitted to undergo its audits biennially. Also, any nonprofit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its single audits biennially.

For a program-specific audit, when a recipient expends federal award funds under only one federal program (excluding R&D) and the federal program's statutes, regulations, or the terms and conditions of the federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted. A program-specific audit may not be elected for R&D unless all of the federal awards expended were received from the same federal agency, or the same federal agency and the same pass-through entity, and that federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

The single audit report shall include audited financial statements.

G. National Environmental Policy Act (NEPA) Reporting

| | |
|----------------------|-----------------------------------------------------------------------------------------------------|
| Submit to: | Historic Preservation report: https://www.page.energy.gov |
| Submission deadline: | Historic Preservation reports: September 15 of each year |

Activities utilizing the Historic Preservation Programmatic Agreements must indicate this on the annually required Historic Preservation report. Reports are due September 15 of each year. Forms can be found on and submitted through the DOE PAGE platform found at www.page.energy.gov/. The Historic Preservation report must be submitted for all activities including activities conducted by the sub-recipient. A full list of Programmatic Agreements can be found at [Historic Preservation – Executed Programmatic Agreements | Department of Energy](#)

H. Davis Bacon Reporting

| | |
|------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
|------------|-----------------------------------------------------------------------|



Federal Assistance Reporting Checklist

| | |
|----------------------|--------------------------------------------------------------------|
| Submission deadline: | Within 7 days of each pay period and Semi-annually when applicable |
|----------------------|--------------------------------------------------------------------|

- a. The DBA applies to contractors and subcontractors of the recipient or sub-recipients for contracts more than \$2,000 for the construction, alteration, and/or repair of public buildings or public works, including painting and decorating, where the United States or the District of Columbia is a direct party to the contract. Contractors and subcontractors funded in whole or in part under this Award shall pay their laborers and mechanics wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the Davis-Bacon Act (DBA).
- b. EECBG Program formula grant recipients will also be required to undergo DBA compliance training and maintain competency in DBA compliance. The Contracting Officer will notify the recipient of any DOE-sponsored DBA compliance trainings. DOL offers free Prevailing Wage Seminars several times a year that meet this requirement, at:
<https://www.dol.gov/agencies/whd/governmentcontracts/construction/seminars/events>
- c. Weekly Payroll Report
 - i. EECBG prime recipients (grantees) must maintain an accurate record of hours worked and wages paid, including fringe benefit contributions, and submit certified payrolls on a weekly basis to DOE. Grantees are also responsible for tracking and maintain DBA records for all subcontractors and sub-recipients. Examples of labor compliance platforms available to help grantees streamline DBA reporting by contractors and subcontractors include: LCPtracker, eMARS, Elation Systems, and other third-party systems
 - ii. EECBG Program recipients must ensure the timely electronic submission of weekly certified payrolls through the DOE-provided DBA software application as part of its compliance with the Davis-Bacon Act unless a waiver is granted to a particular contractor or subcontractor because it is unable or limited in its ability to use or access. Applicants should indicate if they will seek a waiver.
- d. Semi-Annual Compliance and Enforcement Report
 - i. EECBG grantees must submit semi-annual reports on compliance with the enforcement of the labor standards provision of the Davis-Bacon Act and its related acts covering the periods of October 1 through March 31 and April 1 through September 30
 - ii. Examples of labor compliance platforms available to help grantees streamline DBA reporting by contractors and subcontractors include: LCPtracker, eMARS, Elation Systems, and other third-party systems. For more information about labor laws to include Davis Bacon Act and Build American Buy American contact BILLabor@hq.doe.gov.



Federal Assistance Reporting Checklist

III. Closeout Reporting

A. Tangible Personal Property Report – Final Report (SF-428 & SF-428B)

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within 120 calendar days after expiration or termination of the award |

The prime recipient must submit a final inventory of and request disposition instructions for any federally-owned property and/or property or equipment acquired with project funds with an acquisition cost above \$5,000, whether the property is/was in the possession of the prime recipient or subrecipients.

The prime recipient must complete an SF-428 and SF-428B, available at [Post-Award Reporting Forms | GRANTS.GOV](#).

If disposition occurs at any time other than award closeout, the prime recipient must complete an SF-428 and SF-428C (see IV. Other Reporting H. Property Disposition Request/Report).

Only the DOE Contracting Officer has authority to approve disposition requests and issue disposition instructions.

B. Other (see Special Instructions)

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within 120 calendar days after expiration or termination of the award |



Federal Assistance Reporting Checklist

IV. BIL Reporting

A. Quality Job Creation

1. Direct Jobs

| | |
|----------------------|-------------------------------------------------------------------------------------------------|
| Submit to: | Consult DOE Project team for the announcement of the Davis Bacon Reporting Tool |
| Submission deadline: | Weekly |

This award is funded under Division D of the Bipartisan Infrastructure Law (BIL). All laborers and mechanics employed by the recipient, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2000 on an award funded directly by or assisted in whole or in part by funds made available under this award shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the "Davis-Bacon Act" (DBA).

The Recipient must ensure the timely electronic submission of weekly certified payrolls to a third-party DBA electronic payroll compliance software application unless a waiver is granted to a particular contractor or subcontractor because they are unable or limited in their ability to use or access the software. Please refer to section II.H. for information on Davis Bacon Act Reporting.

2. Good Jobs

| | |
|----------------------|--------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Yearly; within 30 calendar days after the end of the federal fiscal year |

Recipients must complete and upload the jobs template (coming soon) that will be available for download from the PAGE site or the EECBG formula application hub on an annual basis. Once available, the report will be uploaded to the PAGE document library. The report focuses on good jobs provided to employees through EECBG Program funds.

B. Equity and Justice

| | |
|----------------------|------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Quarterly within 30 calendar days after the end of the federal fiscal year quarter |

The Equity and Justice reports are imbedded in the [EECBG Program Process Metrics](#) as part of the performance report. Please report on EECBG process metrics 9d. (Organizations



Federal Assistance Reporting Checklist

Receiving TA) and 11a. (Community and Stakeholder Engagement) when applicable to #1 and #2 below.

A. Community Engagement Process

This report applies to all projects that include building, expanding, or retrofitting a facility. Recipients should report on engagement activities such as participatory research, citizen advisory committees, open planning forums, etc. and the outputs of those activities such as memorandums of understanding, letters of support, etc. Information in this tab should reflect the objectives.

B. Engagement Events and Technical Assistance

This report applies to all projects that hold stakeholder engagement events. Recipients are required to report on stakeholders engaged and from what, if any, communities of interest.

C. Pathways to Net Zero

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | As Specified , within 30 calendar days after the end of the first quarterly reporting period; Yearly ; within 90 calendar days after the end of the federal fiscal year and Final ; within 120 calendar days after expiration or termination of the award. |

Pathways to Net Zero Reports will be imbedded in the [EECBG Program Process Metrics](#) as part of the performance reports. Please report on EECBG process metric areas 1 (Retrofits), 3 (Equipment Purchased), and 5 (Renewable Energy) when applicable.

1. Infrastructure Supported

This report applies to projects that build, retrofit, retool, repurpose, or otherwise support the construction or continued operation of energy generation, energy storage, or other clean energy infrastructure. Projects that fund infrastructure planning should also report.

Recipients are required to report on planned values, annual actual values for the life of project, and values at closeout. This report is structured by technology type, recipients need only complete the technology type applicable to their project as indicated by the DOE project team.

2. Energy Saved

This report applies to all projects that include energy efficiency upgrades or fuel switching, water conservation upgrades that save energy, or distributed energy resources. Recipients are required to report on interventions completed as well as planned and actual energy savings.



Federal Assistance Reporting Checklist

D. One Time Location Report

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | One time |

In addition to the reporting of metrics, there is a one-time special status report requirement for recipients with projects that take place in specific physical locations. The eligible activities that would be most applicable to the One-time Location Report are noted in Attachment 2. This report is required for all EECBG Program formula recipients pursuing activities mapped to this report, including projects benefitting disadvantaged communities. This report would be best completed during the first year of the award.



Federal Assistance Reporting Checklist

V. Appendix A: Notice To Recipients (Prime Recipients And Subrecipients) Regarding Protected Data, Limited Rights Data And Protected Personally Identifiable Information

I. PROTECTED DATA AND LIMITED RIGHTS DATA

The recipient is required to mark protected data and limited rights data in accordance with the IP clause set of the award agreement. Failure to properly mark data may result in its public disclosure under the Freedom of Information Act (FOIA, 5 U.S.C. § 552) or otherwise.

A. Protected Data - Technical Data or Commercial or Financial Data First Produced in the Performance of the Award

The U.S. Government normally retains unlimited rights in any technical data or commercial or financial data produced in performance of Government financial assistance awards, including the right to distribute to the public.

However, under certain DOE awards, the recipient may mark certain categories of data produced under the award as protected from public disclosure for a period of time ("Protected Data"). ~~DOE~~ If the award agreement provides for protected data and the recipient wants the data to be protected, the recipient must properly mark any documents containing Protected Data. The recipient should review the IP clause set of the award agreement to determine the applicability of protected data, the maximum length of period of time for data protection and the required markings that must be used to invoke data protection for the award.

B. Limited Rights Data - Data Produced Outside of the Award at Private Expense

Limited Rights Data is data (other than computer software) developed at private expense outside any Government financial assistance award or contract that embody trade secrets or are commercial or financial and confidential or privileged. Prior to including any Limited Rights Data in any documents to DOE, the recipient should review the award agreement. In most DOE awards, the recipient should not deliver any limited rights data to DOE if the recipient wants to protect the Limited Rights Data. If the DOE award does allow and require the delivery of limited rights data, then the recipient must properly mark any documents containing Limited Rights Data as set forth in the IP clause of the award agreement.

II. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION

The recipient should not include any Protected Personally Identifiable Information (Protected PII) in their submissions to DOE. Protected PII is defined as any data that, if compromised, could cause harm to an individual such as identify theft. Protected PII includes, but is not limited to:



Federal Assistance Reporting Checklist

- Social Security Numbers in any form;
- Place of Birth associated with an individual;
- Date of Birth associated with an individual;
- Mother's maiden name associated with an individual;
- Biometric record associated with an individual;
- Fingerprint;
- Iris Scan;
- DNA;
- Medical history information associated with an individual;
- Medical conditions, including history of disease;
- Metric information, e.g., weight, height, blood pressure;
- Criminal history associated with an individual;
- Ratings;
- Disciplinary actions;
- Passport number;
- Educational transcripts;
- Financial information associated with an individual;
- Credit card numbers; and
- Security clearance history or related information (not including actual clearances held).

BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006

Expiration Date: 02/28/2025

| | | | |
|-------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 1. Program/Project Identification No. SE0000299 | | 2. Program/Project Title Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 | |
| 3. Name and Address California 715 P Street Sacramento, CA 958146408 | | 4. Program/Project Start Date 01/01/2024 | 5. Completion Date 12/31/2026 |

SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Federal Catalog No. (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|-------------------------------------------------|-------------------------------|-----------------------------|--------------------|-----------------------|--------------------|-----------------|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. Federal | 81.128 | \$ 0.00 | | \$ 4,522,300.00 | | \$ 4,522,300.00 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. TOTAL | | \$ 0.00 | \$ 0.00 | \$ 4,522,300.00 | \$ 0.00 | \$ 4,522,300.00 |

SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | Grant Program, Function or Activity | | | | Total |
|----------------------------|-------------------------------------|-----|-----|-----|-----------------|
| | (1) DOE | (2) | (3) | (4) | (5) |
| a. Personnel | \$ 232,641.35 | | | | \$ 232,641.35 |
| b. Fringe Benefits | \$ 113,924.47 | | | | \$ 113,924.47 |
| c. Travel | \$ 4,000.00 | | | | \$ 4,000.00 |
| d. Equipment | \$ 0.00 | | | | \$ 0.00 |
| e. Supplies | \$ 0.00 | | | | \$ 0.00 |
| f. Contract | \$ 4,070,070.09 | | | | \$ 4,070,070.09 |
| g. Construction | \$ 0.00 | | | | \$ 0.00 |
| h. Other Direct Costs | \$ 0.00 | | | | \$ 0.00 |
| i. Total Direct Charges | \$ 4,420,635.91 | | | | \$ 4,420,635.91 |
| j. Indirect Costs | \$ 101,664.09 | | | | \$ 101,664.09 |
| k. Totals | \$ 4,522,300.00 | | | | \$ 4,522,300.00 |
| 7. Program Income | \$ 0.00 | | | | \$ 0.00 |

Attachment 4
DE-SE0000299.0000

**Intellectual Property Provisions (NRD-821)
Nonresearch and Development**

Intellectual property rights are subject to 2 CFR 200.315 (e.g. institution of higher education or nonprofit organizations) or 2 CFR 910.362 (e.g. for-profit).

U.S. Department of Energy

Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)

STRATEGY

Grant Number: SE0000299, State: CA, Program Year: 2023

Recipient: California

EECBG Program: Energy Efficiency and Conservation Strategy Template for States

States must submit a proposed Energy Efficiency and Conservation Strategy (EECS) to the Department of Energy (DOE) to meet the statutory requirements for the Energy Efficiency and Conservation Block Grant (EECBG) Program. States must submit the EECS at the time of application.

The proposed EECS must include the information contained in Part A of this template. States may use this streamlined EECS Template to meet the requirement, but the template is not required. If a state chooses to submit an EECS using an alternative format, the information outlined in Part A must be included in the submission.

Part A

Grantee: California
Date: 2/16/2024
UEI Number: VKM2SF7167N9
Program Contact Email:

1) Describe your State's proposed implementation plan for the use of EECBG Program funds to assist you in achieving the goals and objectives outlined in your state energy conservation plan and in accordance with the purpose of the EECBG Program. Your description should include a summary of the activities submitted on your EECBG Program Activity File, and how each activity supports one or more of your strategy's goals/objectives.

The California Energy Commission (CEC) plans to use the Energy Efficiency and Conservation Block Grants (EECBG) award to establish a new Local Government Building Decarbonization Challenge (LGBDC) program. This program will provide funds to local governments to advance building decarbonization in their community. A minimum of 40% of the overall benefits will flow to disadvantaged communities per Justice40 requirements. California has studied, planned, and acted over the last 17 years to reduce the emissions of greenhouse gases (GHGs), as detailed annually in the state's Integrated Energy Policy Report. This program will build on the successes of the 2017 Local Government Challenge and 2020 Tribal Government Challenge programs, programs funded by the 2009 American Recovery and Reinvestment Act (ARRA) funds, as well as other state programs, to help communities meet California's climate and energy goals. The EECBG funds will be used for local government planning in the areas of community building decarbonization; municipal building decarbonization; advancing municipal operations to support building decarbonization; developing local codes, ordinances, and voluntary decarbonization measures; and building decarbonization related workforce development activities. CEC wants to provide flexibility to the local governments to develop proposals that reduce greenhouse gas emissions and best meet their needs by providing multiple project activities for planning. The CEC will encourage collaboration between local jurisdictions applying these funds by including two funding groups: a single jurisdiction or a group of jurisdictions applying as a consortium. Additionally, preference points will be awarded to applicants that have a plan to broadcast and/or showcase the project results, when completed, to other local governments. The CEC also plans to leverage the EECBG funds with ARRA funds for a future program dedicated to tribes.

2) Describe your State's established process for providing sub-grants to units of local government that are not eligible for direct EECBG Program formula grants from DOE.

Through the Local Government Challenge, funded by ARRA, the CEC helped local governments conduct energy planning to improve the resiliency and sustainability of their communities. With this program, the CEC awarded more than \$10 million to local governments over two competitive grants: \$7.2 million for the Energy Innovation Challenge grants and \$3 million for the Small Government Leadership Challenge grants. The Energy Innovation Challenge grants provided opportunities to deploy new energy efficiency and renewable generation projects that support local goals and statewide energy policy. Awardees were required to share best practices and implementation templates with the CEC and other local governments. The Small Government Leadership grants made available dedicated funding to disadvantaged communities with populations fewer than 150,000. Awardees were given technical assistance and grant funding for citywide energy efficiency improvements that advance goals in adopted climate or energy action plans. Recipients of EECBG funds will use them to build on these successful programs in combination with other funding streams and leveraged local investments. The federal funds will support local governments in the process of developing decarbonization plans and policies.

3) Describe the auditing or monitoring procedures currently in place, or that will be in place (by what date) to ensure funds are used for authorized purposes and every step is taken to prevent instances of fraud, waste, error, and abuse.

The CEC's Office of Audits, Investigations, and Program Review (AIPR) performs internal audits of the CEC and performance audits of contracts and grants awarded by the CEC. Internal audits are conducted under the "Red Book" International Standards for the Professional Practice of Internal Auditing. Performance audits will be conducted under the "Yellow Book" Generally Accepted Government Auditing Standards (GAGAS). The Director of Audits reports functionally to the Audit Committee and administratively to the Executive Director in conformance with Government Code section 13887(b). The audit objectives of AIPR's performance audits of CEC grant recipients are to ensure the expenditures claimed for the grant and as match are allowable, supported, and incurred within the approved period. The audits also verify that the products and deliverables detailed in the grant agreement scope of work are completed as required. AIPR is subject to an external peer review once every three years. The peer review includes reviewing the internal quality control system of the CEC's audit organization and conducting tests to determine if the internal quality control system operated to provide reasonable assurance of the following: 1. Compliance with GAGAS issued by the Comptroller General of the United States. 2. Conformance with the International Standards for the Professional Practice of Internal Auditing (ISPPA) issued by the Institute of Internal Auditors, as part of their Professional Practices Framework. The latest peer review was conducted during the period of September 1, 2020, through December 31, 2022. The report was issued to the CEC on May 10, 2023, and the results of the peer review indicated that the

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STRATEGY

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CEC's internal quality control system was suitably designed and operating effectively for the subject period.

Part B

1) Have you engaged local stakeholders (such as utilities, energy industry and financial companies, community-based organizations, labor unions, and other non-profit organizations) in the development of your plan and/or how you intend to use your EECBG Program allocation?

☒ a. Yes

☐ b. No

2) Do you anticipate the project(s) you use this funding for will continue after the EECBG Program funding period?

☒ a. Yes

i. Describe how the projects(s) have been designed to ensure that it sustains benefits beyond the EECBG Program funding period

The focus of this funding is to support local government building decarbonization planning, policy, and program development. The goal is to ensure local government decarbonization goals are in line with the statewide goal of decarbonization by 2045. This will include development of policy mechanisms, best practices, and toolkits that can be used by other jurisdictions.

☐ b. No

i. What would help you to continue? (check all that apply)

☐ 1. Local sustainable financing

☐ 2. Public and local political support

☐ 3. Staff capacity

☐ 4. Other

3) How will your project(s) benefit disadvantaged communities? (check all that apply)

a. Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in disadvantaged communities:

☒ i. A decrease in energy burden

☒ ii. A decrease in environmental exposure and burdens

☒ iii. An increase in access to low-cost capital

☐ iv. An increase in job quality (including paying prevailing wages for construction and maintenance projects by 2025)

☐ v. An increase in clean energy enterprise creation and contracting (e.g., minority-owned or disadvantaged business enterprises)

☒ vi. An increase in clean energy jobs, job pipeline, and job training for individuals from disadvantaged communities

☐ vii. An increase in parity in clean energy technology access and adoption

☐ viii. An increase in energy democracy

☐ ix. Other

1. Please explain

4) How will your strategy support the goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities, in line with the Justice40 initiative?

The CEC will ensure that 40% of the overall benefits flow to disadvantaged communities by setting aside at least 40% of funds for projects in disadvantaged communities. Scoring criteria will include preference points for proposed projects that support marginalized, underserved, or communities overburdened by pollutions, and propose benefits in the areas of climate change, clean energy, and energy efficiency. In planning, applicants will need to show they have consulted with disadvantaged community stakeholders and ensured they are meaningfully involved in determining program benefits. Proposed project budgets will need to show which costs are providing benefits to disadvantaged communities. Applications will be required to identify metrics, and track and provide data throughout the project to verify a minimum of 40% in actual benefits are accruing to disadvantaged communities as criteria to continue work. The CEC will encourage

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collaboration between local jurisdictions to partner and form consortiums to maximize funds and benefits of the resulting projects. Eligible entities include city and county governments and their departments; and organizations recognized as city or county governments such as joint power authorities and councils of governments.

Energy Efficiency &
Renewable Energy**Special Terms and Conditions**
Award No. DE-SE000299.0000 With State of California Energy Commission

Special Terms and Conditions

State of California Energy Commission ("Recipient"), which is identified in Block 5 of the Assistance Agreement, and the Office of State and Community Energy Programs ("SCEP"), and Energy Efficiency and Conservation Block Grant Program ("EECBG"), an office within the United States Department of Energy ("DOE"), enter into this Award, referenced above, to achieve the project objectives and the technical milestones and deliverables stated in Attachment 1 to this Award.

This Award consists of the following documents, including all terms and conditions therein:

| | |
|--------------|---------------------------------------------------------|
| | Assistance Agreement |
| | Special Terms and Conditions |
| Attachment 1 | Activity File |
| Attachment 2 | Federal Assistance Reporting Checklist and Instructions |
| Attachment 3 | Budget Information SF-424A |
| Attachment 4 | Intellectual Property Provisions |
| Attachment 5 | Energy Efficiency and Conservation Strategy |

The following are incorporated into this Award by reference:

- DOE Assistance Regulations, 2 CFR part 200 as amended by 2 CFR part 910 at <http://www.eCFR.gov>.
- National Policy Requirements (November 12, 2020) at <http://www.nsf.gov/awards/managing/rtc.jsp>.
- The Recipient's application/proposal as approved by SCEP.
- Public Law 117-58, also known as the Bipartisan Infrastructure Law (BIL).

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Subpart A. General Provisions

Term 1. Legal Authority and Effect

A DOE financial assistance award is valid only if it is in writing and is signed, either in writing or electronically, by a DOE Contracting Officer.

The Recipient may accept or reject the Award. A request to draw down DOE funds or acknowledgement of award documents by the Recipient's authorized representative through electronic systems used by DOE, specifically FedConnect, constitutes the Recipient's acceptance of the terms and conditions of this Award. Acknowledgement via FedConnect by the Recipient's authorized representative constitutes the Recipient's electronic signature.

Term 2. Flow Down Requirement

The Recipient agrees to apply the terms and conditions of this Award, as applicable, including the Intellectual Property Provisions, to all subrecipients (and subcontractors, as appropriate), as required by 2 CFR 200.101, and to require their strict compliance therewith. Further, the Recipient must apply the Award terms as required by 2 CFR 200.327 to all subrecipients (and subcontractors, as appropriate), and to require their strict compliance therewith.

Term 3. Compliance with Federal, State, and Municipal Law

The Recipient is required to comply with applicable Federal, state, and local laws and regulations for all work performed under this Award. The Recipient is required to obtain all necessary Federal, state, and local permits, authorizations, and approvals for all work performed under this Award.

Term 4. Inconsistency with Federal Law

Any apparent inconsistency between Federal statutes and regulations and the terms and conditions contained in this Award must be referred to the DOE Award Administrator for guidance.

Term 5. Federal Stewardship

SCEP will exercise normal Federal stewardship in overseeing the project activities performed under this Award. Stewardship activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing technical assistance and/or temporary intervention in unusual circumstances to address deficiencies that develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the project objectives have been accomplished.

Term 6. NEPA Requirements

DOE must comply with the National Environmental Policy Act (NEPA) prior to authorizing the use of Federal funds. Based on all information provided by the Recipient, SCEP has made a NEPA determination by issuing a categorical exclusion (CX) for all activities listed in the Activity File approved by the Contracting Officer and the DOE NEPA Determination. The Recipient is thereby authorized to use Federal funds for the defined project activities, subject the Recipient's compliance with the conditions stated below and except where such activity is subject to a restriction set forth elsewhere in this Award.

Condition(s):

1. This NEPA Determination only applies to activities funded by the Administrative and Legal Requirements Document(ALRD) for the EECBG Program Formula Infrastructure Investment and Jobs Act (EECBG Formula - IJIA) awarded to non-tribal recipients proposing non-ground disturbing activities within states that have a DOE executed Historic Preservation Programmatic Agreement.
2. Activities not listed under "Blueprints and additional activities" within this NEPA determination are subject to additional NEPA review and approval by DOE. For activities requiring additional NEPA review, Recipients must complete the environmental questionnaire (EQ-1) found at <https://www.eere-pmc.energy.gov/NEPA.aspx> and receive notification from DOE that the NEPA review has been completed and approved by the Contracting Officer prior to initiating the project or activities.
3. Activities proposed on tribal lands or tribal properties would be restricted to homes/buildings less than forty-five (45) years old and without ground disturbance. Recipients must contact the DOE Project Officer for a Historic Preservation Worksheet to request a review of activities that are listed below on tribal homes/buildings forty-five (45) years and olderand/or ground disturbing activities. The DOE NEPA team must review the Historic Preservation Worksheet and notifythe Recipient's DOE Project Officer before activities listed on the Historic Preservation Worksheet may begin.
4. This authorization does not include activities where the following elements exist: extraordinary circumstances; cumulative impacts or connected actions that may lead to significant effects on the human environment; or anyinconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to a particular project.
5. The Recipient must identify and promptly notify DOE of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant effects on the human environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to project activities.
6. Recipients must have a DOE executed Historic Preservation Programmatic Agreement and adhere to the terms andrestrictions of its DOE executed Historic Preservation Programmatic Agreement. DOE executed Historic PreservationProgrammatic Agreements are available at <https://www.energy.gov/node/812599>.
7. Recipients are responsible for reviewing the online NEPA and Historic preservation

training at www.energy.gov/node/4816816 and contacting EECBG.NEPA@ee.doe.gov with any EECBG NEPA or historic preservation questions.

8. Recipients are required to submit an annual Historic Preservation Report in the Performance and Accountability for Grants in Energy system (PAGE) at <https://www.page.energy.gov/default.aspx>.
9. Most activities listed under “Blueprints and additional activities” within this NEPA determination are more restrictive than the Categorical Exclusion. The restrictions included in the “Blueprints and additional activities” must be followed.
10. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the award.

This authorization is specific to the project activities and locations as described in the Activity File approved by the Contracting Officer and the DOE NEPA Determination.

If the Recipient later intends to add to or modify the activities or locations as described in the approved Activity File and the DOE NEPA Determination, those new activities/locations or modified activities/locations are subject to additional NEPA review and are not authorized for Federal funding until the Contracting Officer provides written authorization on those additions or modifications. Should the Recipient elect to undertake activities or change locations prior to written authorization from the Contracting Officer, the Recipient does so at risk of not receiving Federal funding for those activities, and such costs may not be recognized as allowable cost share.

Term 7. Notice Regarding the Purchase of American-Made Equipment and Products – Sense of Congress

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Award should be American-made.

Term 8. Reporting Requirements

The reporting requirements for this Award are identified on the Federal Assistance Reporting Checklist, attached to this Award. Failure to comply with these reporting requirements is considered a material noncompliance with the terms of the Award. Noncompliance may result in withholding of future payments, suspension, or termination of the current award, and withholding of future awards. A willful failure to perform, a history of failure to perform, or unsatisfactory performance of this and/or other financial assistance awards, may also result in a debarment action to preclude future awards by Federal agencies.

Term 9. Lobbying

By accepting funds under this Award, the Recipient agrees that none of the funds obligated on the Award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to

Members of Congress as described in 18 U.S.C. § 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

Term 10. Publications

The Recipient is required to include the following acknowledgement in publications arising out of, or relating to, work performed under this Award, whether copyrighted or not:

- *Acknowledgment:* "This material is based upon work supported by the U.S. Department of Energy's Office of State and Community Energy Programs (SCEP) under the Energy Efficiency and Conservation Block Grant Program (EECBG) Award Number DE-SE000299."
- *Full Legal Disclaimer:* "This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof."

Abridged Legal Disclaimer: "The views expressed herein do not necessarily represent the views of the U.S. Department of Energy or the United States Government."

Recipients should make every effort to include the full Legal Disclaimer. However, in the event that recipients are constrained by formatting and/or page limitations set by the publisher, the abridged Legal Disclaimer is an acceptable alternative.

Term 11. No-Cost Extension

As provided in 2 CFR 200.308, the Recipient must provide the Contracting Officer with notice in advance if it intends to utilize a one-time, no-cost extension of this Award. The notification must include the supporting reasons and the revised period of performance. The Recipient must submit this notification in writing to the Contracting Officer and DOE Technology Manager/ Project Officer at least 30 days before the end of the current budget period.

Any no-cost extension will not alter the project scope, milestones, deliverables, or budget of this Award.

Term 12. Property Standards

The complete text of the Property Standards can be found at 2 CFR 200.310 through 200.316. Also see 2 CFR 910.360 for additional requirements for real property and equipment for For-Profit recipients.

Term 13. Insurance Coverage

See 2 CFR 200.310 for insurance requirements for real property and equipment acquired or improved with Federal funds. Also see 2 CFR 910.360(d) for additional requirements for real property and equipment for For-Profit recipients.

Term 14. Real Property

Subject to the conditions set forth in 2 CFR 200.311, title to real property acquired or improved under a Federal award will conditionally vest upon acquisition in the non-Federal entity. The non-Federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.311 before disposing of the property.

Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from DOE or pass-through entity. The instructions must provide for one of the following alternatives: (1) retain title after compensating DOE as described in 2 CFR 200.311(c)(1); (2) Sell the property and compensate DOE as specified in 2 CFR 200.311(c)(2); or (3) transfer title to DOE or to a third party designated/approved by DOE as specified in 2 CFR 200.311(c)(3).

See 2 CFR 200.311 for additional requirements pertaining to real property acquired or improved under a Federal award. Also see 2 CFR 910.360 for additional requirements for real property for For-Profit recipients.

Term 15. Equipment

Subject to the conditions provided in 2 CFR 200.313, title to equipment (property) acquired under a Federal award will conditionally vest upon acquisition with the non-Federal entity. The non-Federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.313 before disposing of the property.

A state must use equipment acquired under a Federal award by the state in accordance with state laws and procedures.

Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as it is needed, whether or not the project or program continues to be supported by the Federal award. When no longer needed for the originally authorized purpose,

the equipment may be used by programs supported by DOE in the priority order specified in 2 CFR 200.313(c)(1)(i) and (ii).

Management requirements, including inventory and control systems, for equipment are provided in 2 CFR 200.313(d).

When equipment acquired under a Federal award is no longer needed, the non-Federal entity must obtain disposition instructions from DOE or pass-through entity.

Disposition will be made as follows: (1) items of equipment with a current fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to DOE; (2) Non-Federal entity may retain title or sell the equipment after compensating DOE as described in 2 CFR 200.313(e)(2); or (3) transfer title to DOE or to an eligible third party as specified in 2 CFR 200.313(e)(3).

See 2 CFR 200.313 for additional requirements pertaining to equipment acquired under a Federal award. Also see 2 CFR 910.360 for additional requirements for equipment for For-Profit recipients. See also 2 CFR 200.439 Equipment and other capital expenditures.

Term 16. Supplies

See 2 CFR 200.314 for requirements pertaining to supplies acquired under a Federal award. See also 2 CFR 200.453 Materials and supplies costs, including costs of computing devices.

Term 17. Property Trust Relationship

Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. See 2 CFR 200.316 for additional requirements pertaining to real property, equipment, and intangible property acquired or improved under a Federal award.

Term 18. Record Retention

Consistent with 2 CFR 200.334 through 200.338, the Recipient is required to retain records relating to this Award.

Term 19. Audits

A. Government-Initiated Audits

The Recipient must provide any information, documents, site access, or other assistance requested by SCEP, DOE or Federal auditing agencies (e.g., DOE Inspector General, Government Accountability Office) for the purpose of audits and investigations. Such assistance may include, but is not limited to, reasonable access to the Recipient's records relating to this Award.

Consistent with 2 CFR part 200 as amended by 2 CFR part 910, DOE may audit the Recipient's financial records or administrative records relating to this Award at any time. Government-initiated audits are generally paid for by DOE.

DOE may conduct a final audit at the end of the project period (or the termination of the Award, if applicable). Upon completion of the audit, the Recipient is required to refund to DOE any payments for costs that were determined to be unallowable. If the audit has not been performed or completed prior to the closeout of the award, DOE retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

DOE will provide reasonable advance notice of audits and will minimize interference with ongoing work, to the maximum extent practicable.

B. Annual Independent Audits (Single Audit or Compliance Audit)

The Recipient must comply with the annual independent audit requirements in 2 CFR 200.500 through .521 for institutions of higher education, nonprofit organizations, and state and local governments (Single audit), and 2 CFR 910.500 through .521 for for-profit entities (Compliance audit).

The annual independent audits are separate from Government-initiated audits discussed in part A. of this Term and must be paid for by the Recipient. To minimize expense, the Recipient may have a Compliance audit in conjunction with its annual audit of financial statements. The financial statement audit is **not** a substitute for the Compliance audit. If the audit (Single audit or Compliance audit, depending on Recipient entity type) has not been performed or completed prior to the closeout of the award, DOE may impose one or more of the actions outlined in 2 CFR 200.339, Remedies for Noncompliance.

Term 20. Indemnity

The Recipient shall indemnify DOE and its officers, agents, or employees for any and all liability, including litigation expenses and attorneys' fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of or damage to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or negligence of DOE officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions.

Term 21. Foreign National Participation

If the Recipient (including any of its subrecipients and contractors) anticipates involving foreign nationals in the performance of the Award, the Recipient must, upon DOE's request, provide DOE with specific information about each foreign national to ensure compliance with the requirements for participation and access approval. The volume and type of information

required may depend on various factors associated with the Award. The DOE Contracting Officer will notify the Recipient if this information is required.

DOE may elect to deny a foreign national's participation in the Award. Likewise, DOE may elect to deny a foreign national's access to a DOE sites, information, technologies, equipment, programs or personnel.

Term 22. Post-Award Due Diligence Reviews

During the life of the Award, DOE may conduct ongoing due diligence reviews, through Government resources, to identify potential risks of undue foreign influence. In the event, a risk is identified, DOE may require risk mitigation measures, including but not limited to, requiring an individual or entity not participate in the Award.

Subpart B. Financial Provisions

Term 23. Maximum Obligation

The maximum obligation of DOE for this Award is the total "Funds Obligated" stated in Block 13 of the Assistance Agreement to this Award.

Term 24. Refund Obligation

The Recipient must refund any excess payments received from SCEP, including any costs determined unallowable by the Contracting Officer. Upon the end of the project period (or the termination of the Award, if applicable), the Recipient must refund to SCEP the difference between (1) the total payments received from SCEP, and (2) the Federal share of the costs incurred. Refund obligations under this Term do not supersede the annual reconciliation or true up process if specified under the Indirect Cost Term.

Term 25. Allowable Costs

SCEP determines the allowability of costs through reference to 2 CFR part 200 as amended by 2 CFR part 910. All project costs must be allowable, allocable, and reasonable. The Recipient must document and maintain records of all project costs, including, but not limited to, the costs paid by Federal funds, costs claimed by its subrecipients and project costs that the Recipient claims as cost sharing, including in-kind contributions. The Recipient is responsible for maintaining records adequate to demonstrate that costs claimed have been incurred, are reasonable, allowable and allocable, and comply with the cost principles. Upon request, the Recipient is required to provide such records to SCEP. Such records are subject to audit. Failure to provide SCEP adequate supporting documentation may result in a determination by the Contracting Officer that those costs are unallowable.

The Recipient is required to obtain the prior written approval of the Contracting Officer for any foreign travel costs.

Term 26. Indirect Costs

A. Indirect Cost Allocation:

The Recipient has a Federally approved provisional Negotiated Indirect Cost Rate Agreement (NICRA) with a current effective period identified for billing and estimation purposes and it applies uniformly across all Federal awards. These costs shall be reconciled or trued up (actual incurred costs) on an annual basis with the Recipient's cognizant agency. An updated rate proposal or NICRA is required if the Recipient requests to bill the DOE higher billing rates than those listed in the current NICRA.

B. Fringe Cost Allocation:

Fringe benefit costs have been allocated to this award under a segregated fringe billing rate. The fringe costs were found to be reasonable, allocable, and allowable as reflected in the budget. Fringe elements apply to both direct and indirect labor. Under a segregated cost pool, the fringe billing rate shall be treated as an indirect cost expenditure and must be reconciled annually.

C. Subrecipient Indirect Costs (If Applicable):

The Recipient must ensure its subrecipient's indirect costs are appropriately managed, have been found to be allowable, and comply with the requirements of this Award and 2 CFR Part 200 as amended by 2 CFR Part 910.

D. Indirect Cost Stipulations:

i. Modification to Indirect Cost Billing Rates

SCEP will not modify this Award solely to provide additional funds to cover increases in the Recipient's indirect cost billing rate(s). Adjustments to the indirect cost billing rates must be approved by the Recipient's Cognizant Agency or Cognizant Federal Agency Official.

The Recipient must provide a copy of an updated NICRA or indirect rate proposal to the DOE Award Administrator in order to increase indirect cost billing rates. If the Contracting Officer provides prior written approval, the Recipient may incur an increase in the indirect cost billing rates. Reimbursement will be limited by the budgeted dollar amount for indirect costs for each budget period as shown in Attachment 3 to this Award.

ii. Award Closeout

The closeout of the DOE award does not affect (1) the right of the DOE to disallow costs and recover funds on the basis of a later audit or other review; (2) the requirement for the Recipient to return any funds due

as a result of later refunds, corrections or other transactions including final indirect cost billing rate adjustments; and (3) the ability of the DOE to make financial adjustments to a previously closed award resolving indirect cost payments and making final payments.

Term 27. Decontamination and/or Decommissioning (D&D) Costs

Notwithstanding any other provisions of this Award, the Government shall not be responsible for or have any obligation to the Recipient for (1) Decontamination and/or Decommissioning (D&D) of any of the Recipient's facilities, or (2) any costs which may be incurred by the Recipient in connection with the D&D of any of its facilities due to the performance of the work under this Award, whether said work was performed prior to or subsequent to the effective date of the Award.

Term 28. Use of Program Income

If the Recipient earns program income during the project period as a result of this Award, the Recipient must add the program income to the funds committed to the Award and used to further eligible project objectives.

Term 29. Payment Procedures

A. Method of Payment

Payment will be made by advances through the Department of Treasury's ASAP system.

B. Requesting Advances

Requests for advances must be made through the ASAP system. The Recipient may submit requests as frequently as required to meet its needs to disburse funds for the Federal share of project costs. If feasible, the Recipient should time each request so that the Recipient receives payment on the same day that the Recipient disburses funds for direct project costs and the proportionate share of any allowable indirect costs. If same-day transfers are not feasible, advance payments must be as close to actual disbursements as administratively feasible.

C. Adjusting Payment Requests for Available Cash

The Recipient must disburse any funds that are available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds before requesting additional cash payments from SCEP.

D. Payments

All payments are made by electronic funds transfer to the bank account identified on the Bank Information Form that the Recipient filed with the U.S. Department of Treasury.

E. Unauthorized Drawdown of Federal Funds

For each budget period, the Recipient may not spend more than the Federal share authorized to that particular budget period, without specific written approval from the Contracting Officer. The Recipient must immediately refund SCEP any amounts spent or drawn down in excess of the authorized amount for a budget period. The Recipient and subrecipients shall promptly, but at least quarterly, remit to DOE interest earned on advances drawn in excess of disbursement needs, and shall comply with the procedure for remitting interest earned to the Federal government per 2 CFR 200.305, as applicable.

Term 30. Budget Changes

A. Budget Changes Generally

The Contracting Officer has reviewed and approved the SF-424A in Attachment 3 to this Award.

Any increase in the total project cost, whether DOE share or Cost Share, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award, must be approved in advance and in writing by the Contracting Officer.

Any change that alters the project scope, milestones or deliverables requires prior written approval of the Contracting Officer. SCEP may deny reimbursement for any failure to comply with the requirements in this term.

B. Transfers of Funds Among Direct Cost Categories

The Recipient is required to obtain the prior written approval of the Contracting Officer for any transfer of funds among direct cost categories where the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total project cost, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award.

The Recipient is required to notify the DOE Technology Manager/Project Officer of any transfer of funds among direct cost categories where the cumulative amount of such transfers is equal to or below 10 percent of the total project cost, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award.

C. Transfer of Funds Between Direct and Indirect Cost Categories

The Recipient is required to obtain the prior written approval of the Contracting Officer for any transfer of funds between direct and indirect cost categories. If the Recipient's actual allowable indirect costs are less than those budgeted in Attachment 3 to this Award, the Recipient may use the difference to pay additional allowable direct costs during the project period so long as the total difference is less than 10% of total project costs and the difference is reflected in actual requests for

reimbursement to DOE.

Subpart C. Miscellaneous Provisions

Term 31. Environmental, Safety and Health Performance of Work at DOE Facilities

With respect to the performance of any portion of the work under this Award which is performed at a DOE -owned or controlled site, the Recipient agrees to comply with all State and Federal Environmental, Safety and Health (ES&H) regulations and with all other ES&H requirements of the operator of such site.

Prior to the performance on any work at a DOE-owned or controlled site, the Recipient shall contact the site facility manager for information on DOE and site-specific ES&H requirements.

The Recipient is required apply this provision to its subrecipients and contractors.

Term 32. System for Award Management and Universal Identifier Requirements

A. Requirement for Registration in the System for Award Management (SAM)

Unless the Recipient is exempted from this requirement under 2 CFR 25.110, the Recipient must maintain the currency of its information in SAM until the Recipient submits the final financial report required under this Award or receive the final payment, whichever is later. This requires that the Recipient reviews and updates the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.

B. Unique Entity Identifier (UEI)

SAM automatically assigns a UEI to all active SAM.gov registered entities. Entities no longer have to go to a third-party website to obtain their identifier. This information is displayed on SAM.gov.

If the Recipient is authorized to make subawards under this Award, the Recipient:

- i. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from the Recipient unless the entity has provided its UEI number to the Recipient.
- ii. May not make a subaward to an entity unless the entity has provided its UEI number to the Recipient.

C. Definitions

For purposes of this award term:

- i. System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <https://www.sam.gov>).
- ii. Unique Entity Identifier (UEI) is the 12-character, alpha-numeric identifier that will be assigned by SAM.gov upon registration.
- iii. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR Part 25, subpart C:
 1. A Governmental organization, which is a State, local government, or Indian Tribe.
 2. A foreign public entity.
 3. A domestic or foreign nonprofit organization.
 4. A domestic or foreign for-profit organization.
 5. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- iv. Subaward:
 1. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received this Award and that the Recipient awards to an eligible subrecipient.
 2. The term does not include the Recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.501 Audit requirements, (f) *Subrecipients and Contractors* and/or 2 CFR 910.501 Audit requirements, (f) *Subrecipients and Contractors*).
 3. A subaward may be provided through any legal agreement, including an agreement that the Recipient considers a contract.
- v. Subrecipient means an entity that:
 1. Receives a subaward from the Recipient under this Award; and
 2. Is accountable to the Recipient for the use of the Federal funds provided by the subaward.

Term 33. Nondisclosure and Confidentiality Agreements Assurances

- A. By entering into this agreement, the Recipient attests that it **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
- B. The Recipient further attests that it **does not and will not** use any Federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:
- i. *“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”*
 - ii. The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.
 - iii. Notwithstanding provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

Term 34. Subrecipient Change Notification

Except for subrecipients specifically proposed as part of the Recipient's Application for award, the Recipient must notify the Contracting Officer and Project Manager in writing 30 days prior to the execution of new or modified subrecipient agreements, including naming any To Be Determined subrecipients. This notification does not constitute a waiver of the prior approval requirements outlined in 2 CFR part 200 as amended by 2 CFR part 910, nor does it relieve the Recipient from its obligation to comply with applicable Federal statutes, regulations, and executive orders.

In order to satisfy this notification requirement, the Recipient documentation must, as a minimum, include the following:

- A description of the research to be performed, the service to be provided, or the equipment to be purchased.
- Cost share commitment letter if the subrecipient is providing cost share to the Award.
- An assurance that the process undertaken by the Recipient to solicit the subrecipient complies with their written procurement procedures as outlined in 2 CFR 200.317 through 200.327.
- An assurance that no planned, actual or apparent conflict of interest exists between the Recipient and the selected subrecipient and that the Recipient's written standards of conduct were followed.¹
- A completed Environmental Questionnaire, if applicable.
- An assurance that the subrecipient is not a debarred or suspended entity.
- An assurance that all required award provisions will be flowed down in the resulting subrecipient agreement.

The Recipient is responsible for making a final determination to award or modify subrecipient agreements under this agreement, but the Recipient may not proceed with the subrecipient agreement until the Contracting Officer determines, and provides the Recipient written notification, that the information provided is adequate.

Should the Recipient not receive a written notification of adequacy from the Contracting Officer within 30 days of the submission of the subrecipient documentation stipulated above, the Recipient may proceed to award or modify the proposed subrecipient agreement.

¹ It is DOE's position that the existence of a "covered relationship" as defined in 5 CFR 2635.502(a)&(b) between a member of the Recipient's owners or senior management and a member of a subrecipient's owners or senior management creates at a minimum an apparent conflict of interest that would require the Recipient to notify the Contracting Officer and provide detailed information and justification (including, for example, mitigation measures) as to why the subrecipient agreement does not create an actual conflict of interest. The Recipient must also notify the Contracting Officer of any new subrecipient agreement with: (1) an entity that is owned or otherwise controlled by the Recipient; or (2) an entity that is owned or otherwise controlled by another entity that also owns or otherwise controls the Recipient, as it is DOE's position that these situations also create at a minimum an apparent conflict of interest.

Term 35. Conference Spending

The Recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant was awarded that would defray the cost to the United States Government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States Government would otherwise exceed \$20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

Term 36. Recipient Integrity and Performance Matters

A. General Reporting Requirement

If the total value of your currently active Financial Assistance awards, grants, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this term. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

B. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- i. Is in connection with the award or performance of a Financial Assistance, cooperative agreement, or procurement contract from the Federal Government;
- ii. Reached its final disposition during the most recent five-year period; and
- iii. Is one of the following:
 1. A criminal proceeding that resulted in a conviction, as defined in paragraph E of this award term and condition;
 2. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 3. An administrative proceeding, as defined in paragraph E of this term, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or

4. Any other criminal, civil, or administrative proceeding if:
 - a. It could have led to an outcome described in paragraph B.iii.1, 2, or 3 of this term;
 - b. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - c. The requirement in this term to disclose information about the proceeding does not conflict with applicable laws and regulations.

C. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph B of this term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

D. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph A of this term, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, Financial Assistance awards, (including cooperative agreement awards) with a cumulative total value greater than \$10,000,000, must disclose semiannually any information about the criminal, civil, and administrative proceedings.

E. Definitions

For purposes of this term:

- i. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or Financial Assistance awards. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- ii. Conviction means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of *nolo contendere*.
- iii. Total value of currently active Financial Assistance awards, cooperative agreements and procurement contracts includes—

1. Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
2. The value of all expected funding increments under a Federal award and options, even if not yet exercised.

Term 37. Export Control

The United States government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of Federal agencies and regulations that govern exports that are collectively referred to as "Export Controls." The Recipient is responsible for ensuring compliance with all applicable United States Export Control laws and regulations relating to any work performed under a resulting award.

The Recipient must immediately report to DOE any export control violations related to the project funded under this award, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

Term 38. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) can be found at <https://www.energy.gov/management/departments-energy-interim-conflict-interest-policy-requirements-financial-assistance>. This policy is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under this Award. The term "Investigator" means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities, with the exception of DOE National Laboratories. Further, the Recipient must identify all financial conflicts of interests (FCOI), i.e., managed and unmanaged/ unmanageable, in its initial and ongoing FCOI reports.

Prior to award, the Recipient was required to: 1) ensure all Investigators on this Award completed their significant financial disclosures; 2) review the disclosures; 3) determine whether a FCOI exists; 4) develop and implement a management plan for FCOIs; and 5) provide DOE with an initial FCOI report that includes all FCOIs (i.e., managed and unmanaged/unmanageable). Within 180 days of the date of the Award, the Recipient must be in full compliance with the other requirements set forth in DOE's interim COI Policy.

Term 39. Organizational Conflict of Interest

Organizational conflicts of interest are those where, because of relationships with a parent company, affiliate, or subsidiary organization, the Recipient is unable or appears to be unable to

be impartial in conducting procurement action involving a related organization (2 CFR 200.318(c)(2)).

The Recipient must disclose in writing any potential or actual organizational conflict of interest to the DOE Contracting Officer. The Recipient must provide the disclosure prior to engaging in a procurement or transaction using project funds with a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe. For a list of the information that must be included the disclosure, see Section VI. of the DOE interim Conflict of Interest Policy for Financial Assistance at <https://www.energy.gov/management/department-energy-interim-conflict-interest-policy-requirements-financial-assistance>.

If the effects of the potential or actual organizational conflict of interest cannot be avoided, neutralized, or mitigated, the Recipient must procure goods and services from other sources when using project funds. Otherwise, DOE may terminate the Award in accordance with 2 CFR 200.340 unless continued performance is determined to be in the best interest of the Federal government.

The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities, with the exception of DOE National Laboratories. The Recipient is responsible for ensuring subrecipient compliance with this term.

If the Recipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the Recipient must maintain written standards of conduct covering organizational conflicts of interest.

Term 40. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (Federal and non-Federal funds) to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

- (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video

surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

See Public Law 115-232, section 889 for additional information.

Term 41. Human Subjects Research

Research involving human subjects, biospecimens, or identifiable private information conducted with Department of Energy (DOE) funding is subject to the requirements of DOE Order 443.1C, *Protection of Human Research Subjects*, 45 CFR Part 46, *Protection of Human Subjects (subpart A which is referred to as the "Common Rule")*, and 10 CFR Part 745, *Protection of Human Subjects*.

Federal regulation and the DOE Order require review by an Institutional Review Board (IRB) of all proposed human subjects research projects. The IRB is an interdisciplinary ethics board responsible for ensuring that the proposed research is sound and justifies the use of human subjects or their data; the potential risks to human subjects have been minimized; participation is voluntary; and clear and accurate information about the study, the benefits and risks of participating, and how individuals' data/specimens will be protected/used, is provided to potential participants for their use in determining whether or not to participate.

The Recipient shall provide the Federal Wide Assurance number identified in item 1 below and the certification identified in item 2 below to DOE prior to initiation of any project that will involve interactions with humans in some way (e.g., through surveys); analysis of their identifiable data (e.g., demographic data and energy use over time); asking individuals to test devices, products, or materials developed through research; and/or testing of commercially available devices in buildings/homes in which humans will be present. *Note:* This list of examples is illustrative and not all inclusive.

No DOE funded research activity involving human subjects, biospecimens, or identifiable private information shall be conducted without:

- 1) A registration and a Federal Wide Assurance of compliance accepted by the Office of Human Research Protection (OHRP) in the Department of Health and Human Services; and
- 2) Certification that the research has been reviewed and approved by an Institutional Review Board (IRB) provided for in the assurance. IRB review may be accomplished by the awardee's institutional IRB; by the Central DOE IRB; or if collaborating with one of the DOE national laboratories, by the DOE national laboratory IRB.

The Recipient is responsible for ensuring all subrecipients comply and for reporting information on the project annually to the DOE Human Subjects Research Database (HSRD) at <https://science.osti.gov/HumanSubjects/Human-Subjects-Database/home>. Note: If a DOE IRB is used, no end of year reporting will be needed.

Additional information on the DOE Human Subjects Research Program can be found at: <https://science.osti.gov/ber/human-subjects>

Term 42. Fraud, Waste and Abuse

The mission of the DOE Office of Inspector General (OIG) is to strengthen the integrity, economy and efficiency of DOE's programs and operations including deterring and detecting fraud, waste, abuse and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of Department of Energy activities to include grants, cooperative agreements, loans, and contracts. The OIG maintains a Hotline for reporting allegations of fraud, waste, abuse, or mismanagement. To report such allegations, please visit <https://www.energy.gov/ig/ig-hotline>.

Additionally, the Recipient must be cognizant of the requirements of 2 CFR § 200.113 Mandatory disclosures, which states:

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII of 2 CFR Part 200 are required to report certain civil, criminal, or administrative proceedings to SAM (currently FAPIIS). Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

Subpart D. Bipartisan Infrastructure Law (BIL)-specific requirements

Term 43. Reporting, Tracking and Segregation of Incurred Costs

BIL funds can be used in conjunction with other funding, as necessary to complete projects, but tracking and reporting must be separate to meet the reporting requirements of the BIL and related Office of Management and Budget (OMB) Guidance. The Recipient must keep separate records for BIL funds and must ensure those records comply with the requirements of the BIL. Funding provided through the BIL that is supplemental to an existing grant or cooperative agreement is one-time funding.

Term 44. Davis-Bacon Requirements

This award is funded under Division D of the Bipartisan Infrastructure Law (BIL). All laborers and mechanics employed by the recipient, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2000 on an award funded directly by or assisted in whole or in part by funds made available under this award shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the "Davis-Bacon Act" (DBA).

Recipients shall provide written assurance acknowledging the DBA requirements for the award or project and confirming that all of the laborers and mechanics performing construction, alteration, or repair, through funding under the award are paid or will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act).

The Recipient must comply with all of the Davis-Bacon Act requirements, including but not limited to:

- (1) ensuring that the wage determination(s) and appropriate Davis-Bacon clauses and requirements are flowed down to and incorporated into any applicable subcontracts or subrecipient awards.
- (2) being responsible for compliance by any subcontractor or subrecipient with the Davis-Bacon labor standards.
- (3) receiving and reviewing certified weekly payrolls submitted by all subcontractors and subrecipients for accuracy and to identify potential compliance issues.
- (4) maintaining original certified weekly payrolls for 3 years after the completion of the project and must make those payrolls available to the DOE or the Department of Labor upon request, as required by 29 CFR 5.6(a)(2).
- (5) conducting payroll and job-site reviews for construction work, including interviews with employees, with such frequency as may be necessary to assure compliance by its subcontractors and subrecipients and as requested or directed by the DOE.

(6) cooperating with any authorized representative of the Department of Labor in their inspection of records, interviews with employees, and other actions undertaken as part of a Department of Labor investigation.

(7) posting in a prominent and accessible place the wage determination(s) and Department of Labor Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects.

(8) notifying the Contracting Officer of all labor standards issues, including all complaints regarding incorrect payment of prevailing wages and/or fringe benefits, received from the recipient, subrecipient, contractor, or subcontractor employees; significant labor standards violations, as defined in 29 CFR 5.7; disputes concerning labor standards pursuant to 29 CFR parts 4, 6, and 8 and as defined in FAR 52.222-14; disputed labor standards determinations; Department of Labor investigations; or legal or judicial proceedings related to the labor standards under this Contract, a subcontract, or subrecipient award.

(9) preparing and submitting to the Contracting Officer, the Office of Management and Budget Control Number 1910-5165, Davis Bacon Semi-Annual Labor Compliance Report, by April 21 and October 21 of each year. Form submittal will be administered through the iBenefits system (<https://doeibenefits2.energy.gov>) or its successor system.

The Recipient must undergo Davis-Bacon Act compliance training and must maintain competency in Davis-Bacon Act compliance. The Contracting Officer will notify the Recipient of any DOE sponsored Davis-Bacon Act compliance trainings. The Department of Labor offers free Prevailing Wage Seminars several times a year that meet this requirement, at <https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events>.

The Department of Energy has contracted with, a third-party DBA electronic payroll compliance software application. The Recipient must ensure the timely electronic submission of weekly certified payrolls as part of its compliance with the Davis-Bacon Act unless a waiver is granted to a particular contractor or subcontractor because they are unable or limited in their ability to use or access the software.

Davis Bacon Act Electronic Certified Payroll Submission Waiver

A waiver must be granted before the award starts. The applicant does not have the right to appeal SCEP's decision concerning a waiver request.

For additional guidance on how to comply with the Davis-Bacon provisions and clauses, see <https://www.dol.gov/agencies/whd/government-contracts/construction> and <https://www.dol.gov/agencies/whd/government-contracts/protections-for-workers-in-construction>.

Term 45. Buy American Requirement for Infrastructure Projects

A. Definitions

Components are defined as the articles, materials, or supplies incorporated directly into the end manufactured product(s).

Construction Materials are an article, material, or supply—other than an item primarily of iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is used in an infrastructure project and is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, drywall, coatings (paints and stains), optical fiber, clay brick; composite building materials; or engineered wood products.

Domestic Content Procurement Preference Requirement- means a requirement that no amounts made available through a program for federal financial assistance may be obligated for an infrastructure project unless—

(A) all iron and steel used in the project are produced in the United States;

(B) the manufactured products used in the project are produced in the United States; or

(C) the construction materials used in the project are produced in the United States.

Also referred to as the **Buy America Requirement**.

Infrastructure includes, at a minimum, the structures, facilities, and equipment located in the United States, for: roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and generation, transportation, and distribution of energy - including electric vehicle (EV) charging.

The term “infrastructure” should be interpreted broadly, and the definition provided above should be considered as illustrative and not exhaustive.

Manufactured Products are items used for an infrastructure project made up of components that are not primarily of iron or steel; construction materials; cement and cementitious materials’ aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

Primarily of iron or steel means greater than 50% iron or steel, measured by cost.

Project- means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Public- The Buy America Requirement does not apply to non-public infrastructure. For purposes of this guidance, infrastructure should be considered “public” if it is: (1) publicly owned or (2) privately owned but utilized primarily for a public purpose. Infrastructure should be considered to be “utilized primarily for a public purpose” if it is privately operated on behalf of the public or is a place of public accommodation.

B. Buy America Requirement

None of the funds provided under this award (federal share or recipient cost-share) may be used for a project for infrastructure unless:

1. All iron and steel used in the project is produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of

the manufactured product has been established under applicable law or regulation; and

3. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Requirement only applies to articles, materials, and supplies that are consumed in, incorporated into, or permanently affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought into the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Requirement apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Recipients are responsible for administering their award in accordance with the terms and conditions, including the Buy America Requirement. The recipient must ensure that the Buy America Requirement flows down to all subawards and that the subawardees and subrecipients comply with the Buy America Requirement. The Buy America Requirement term and condition must be included all sub-awards, contracts, subcontracts, and purchase orders for work performed under the infrastructure project.

C. Certification of Compliance

The Recipient must certify or provide equivalent documentation for proof of compliance that a good faith effort was made to solicit bids for domestic products used in the infrastructure project under this Award.

The Recipient must also maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by a waiver or exemption, are produced in the United States. The certification or proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all subawardees, contractors and vendors to the Recipient. The Recipient must keep these

certifications with the award/project files and be able to produce them upon request from DOE, auditors or Office of Inspector General.

D. Waivers

When necessary, the Recipient may apply for, and DOE may grant, a waiver from the Buy America Requirement. Requests to waive the application of the Buy America Requirement must be in writing to the Contracting Officer. Waiver requests are subject to review by DOE and the Office of Management and Budget, as well as a public comment period of no less than 15 calendar days.

Waivers must be based on one of the following justifications:

1. Public Interest- Applying the Buy America Requirement would be inconsistent with the public interest;
2. Non-Availability- The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
3. Unreasonable Cost- The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

Requests to waive the Buy America Requirement must include the following:

- Waiver type (Public Interest, Non-Availability, or Unreasonable Cost);
- Recipient name and Unique Entity Identifier (UEI);
- Award information (Federal Award Identification Number, Assistance Listing number);
- A brief description of the project, its location, and the specific infrastructure involved;
- Total estimated project cost, with estimated federal share and recipient cost share breakdowns;
- Total estimated infrastructure costs, with estimated federal share and recipient cost share breakdowns;
- List and description of iron or steel item(s), manufactured goods, and/or construction material(s) the recipient seeks to waive from the Buy America Preference, including name, cost,

quantity(ies), country(ies) of origin, and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) codes for each;

- A detailed justification as to how the non-domestic item(s) is/are essential the project;
- A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers;
- A justification statement—based on one of the applicable justifications outlined above—as to why the listed items cannot be procured domestically, including the due diligence performed (e.g., market research, industry outreach, cost analysis, cost-benefit analysis) by the recipient to attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy America-compliant bids received for domestic products in response to a solicitation; and
- Anticipated impact to the project if no waiver is issued.

The Recipient should consider using the following principles as minimum requirements contained in their waiver request:

- **Time-limited:** Consider a waiver constrained principally by a length of time, rather than by the specific project/award to which it applies. Waivers of this type may be appropriate, for example, when an item that is “non-available” is widely used in the project. When requesting such a waiver, the Recipient should identify a reasonable, definite time frame (e.g., no more than one to two years) designed so that the waiver is reviewed to ensure the condition for the waiver (“non-availability”) has not changed (e.g., domestic supplies have become more available).
- **Targeted:** Waiver requests should apply only to the item(s), product(s), or material(s) or category(ies) of item(s), product(s), or material(s) as necessary and justified. Waivers should not be overly broad as this will undermine domestic preference policies.
- **Conditional:** The Recipient may request a waiver with specific conditions that support the policies of IIJA/BABA and Executive Order 14017.

DOE may request, and the Recipient must provide, additional information for consideration of this waiver. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public. DOE's final determination regarding approval or rejection of the waiver request may not be appealed. Waiver requests may take up to 90 calendar days to process.

Term 46. Affirmative Action and Pay Transparency Requirements

All federally assisted construction contracts exceeding \$10,000 annually will be subject to the requirements of Executive Order 11246:

- (1) Recipients, subrecipients, and contractors are prohibited from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin.
- (2) Recipients and Contractors are required to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. This includes flowing down the appropriate language to all subrecipients, contractors and subcontractors.
- (3) Recipients, subrecipients, contractors and subcontractors are prohibited from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or, under certain circumstances, the pay of their co-workers.

The Department of Labor's (DOL) Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule contractors for compliance evaluations. OFCCP's Technical Assistance Guide² should be consulted to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors and subcontractors must take.

Term 47. Potentially Duplicative Funding Notice

If the Recipient or subrecipients have or receive any other award of federal funds for activities that potentially overlap with the activities funded under this Award, the Recipient must promptly notify DOE in writing of the potential overlap and state whether project funds (i.e., recipient cost share and federal funds) from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items under this Award. If there are identical cost items, the Recipient must promptly notify the DOE

² See OFCCP's Technical Assistance Guide at:

<https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec> Also see the National Policy Assurances <http://www.nsf.gov/awards/managing/rtc.jsp>

Contracting Officer in writing of the potential duplication and eliminate any inappropriate duplication of funding.

Term 48. Transparency of Foreign Connections

During the term of the Award, the Recipient must notify the DOE Contracting Officer within fifteen (15) business days of learning of the following circumstances in relation to the Recipient or subrecipients:

1. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk;
2. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a country of risk or foreign entity based in a country of risk;
3. Any current or pending change in ownership structure of the Recipient or subrecipients that increases foreign ownership related to a country of risk;
4. Any current or pending venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
5. Any current or pending technology licensing or intellectual property sales to a foreign country of risk; and
6. Any current or pending foreign business entity, offshore entity, or entity outside the United States related to the Recipient or subrecipient.

Term 49. Foreign Collaboration Considerations

- a. Consideration of new collaborations with foreign organizations and governments. The Recipient must provide DOE with advanced written notification of any potential collaboration with foreign entities, organizations or governments in connection with its DOE-funded award scope. The Recipient must await further guidance from DOE prior to contacting the proposed foreign entity, organization or government regarding the potential collaboration or negotiating the terms of any potential agreement.
- b. Existing collaborations with foreign entities, organizations and governments. The Recipient must provide DOE with a written list of all existing foreign collaborations in which has entered in connection with its DOE-funded award scope.
- c. Description of collaborations that should be reported: In general, a collaboration will involve some provision of a thing of value to, or from, the Recipient. A thing of value includes but may not be limited to all resources made available to, or from, the recipient in support of and/or related to the Award, regardless of whether or not they have monetary value. Things of value also may include in-kind contributions


(such as office/laboratory space, data, equipment, supplies, employees, students).

In-kind contributions not intended for direct use on the Award but resulting in provision of a thing of value from or to the Award must also be reported.

Collaborations do not include routine workshops, conferences, use of the Recipient's services and facilities by foreign investigators resulting from its standard published process for evaluating requests for access, or the routine use of foreign facilities by awardee staff in accordance with the Recipient's standard policies and procedures.

EXHIBIT C

ASSISTANCE AGREEMENT

| | | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------|--|
| 1. Award No. DE-EE0010060 | | 2. Modification No. | | 3. Effective Date 05/01/2023 | | 4. CFDA No. 81.041 | | |
| 5. Awarded To Energy Resources, Conservation And Developme Attn: Adrienne Winuk 715 P Street sacramento CA 958145504 | | | | 6. Sponsoring Office Energy Effcy & Renewable Energy EE-1 U.S. Department of Energy 1000 Independence Avenue, S.W. Washington DC 20585 | | | 7. Period of Performance 05/01/2023 through 04/30/2028 | |
| 8. Type of Agreement <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other | | 9. Authority 117-58 Infrastructure Investment and Job 109-58 Energy Policy Act 2005 | | | 10. Purchase Request or Funding Document No. 23EE001088 | | | |
| 11. Remittance Address Energy Resources, Conservation And Developme Attn: Adrienne Winuk 715 P Street sacramento CA 95814 | | | | 12. Total Amount Govt. Share: \$30,304,000.00 Cost Share : \$0.00 Total : \$30,304,000.00 | | 13. Funds Obligated This action: \$30,304,000.00 Total : \$30,304,000.00 | | |
| 14. Principal Investigator | | 15. Program Manager Julie N. Howe Phone: 2405621628 | | | 16. Administrator Golden Field Office U.S. Department of Energy Golden Field Office 15013 Denver West Parkway Golden CO 80401 | | | |
| 17. Submit Payment Requests To Payment - Direct Payment from U.S. Dept of Treasury | | | | 18. Paying Office OR for Golden U.S. Department of Energy Oak Ridge Financial Service Center P.O. Box 6017 Oak Ridge TN 37831 | | | 19. Submit Reports To See Attachment 2 | |
| 20. Accounting and Appropriation Data 05461-2022-31-200835-41020-1004901-0000000-0000000-0000000 | | | | | | | | |
| 21. Research Title and/or Description of Project SEP BIL - California | | | | | | | | |
| For the Recipient | | | | For the United States of America | | | | |
| 22. Signature of Person Authorized to Sign | | | | 25. Signature of Grants/Agreements Officer  | | | | |
| 23. Name and Title Adrienne Winuk, SSM II | | 24. Date Signed 5/24/2023 | | 26. Name of Officer Stephanie D. Sites | | 27. Date Signed 05/23/2023 | | |

| | | |
|---------------------------|-----------------------------------------------------------|-------------|
| CONTINUATION SHEET | REFERENCE NO. OF DOCUMENT BEING CONTINUED DE-EE0010060 | PAGE 3 OF 3 |
|---------------------------|-----------------------------------------------------------|-------------|

NAME OF OFFEROR OR CONTRACTOR

Energy Resources, Conservation And Development Commission

| ITEM NO. (A) | SUPPLIES/SERVICES (B) | QUANTITY (C) | UNIT (D) | UNIT PRICE (E) | AMOUNT (F) |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|-------------------|---------------|
| | <p>Phone: 916-891-8629</p> <p>Electronic signature or signatures as used in this document means a method of signing an electronic message that-</p> <p>(A) Identifies and authenticates a particular person as the source of the electronic message;</p> <p>(B) Indicates such person's approval of the information contained in the electronic message; and,</p> <p>(C) Submission via FedConnect constitutes electronically signed documents.</p> <p>ASAP: YES Extent Competed: NOT AVAIL FOR COMP</p> <p>Davis-Bacon Act: YES PI: Winuk, Adrienne</p> <p>Fund: 05461 Appr Year: 2022 Allottee: 31 Report</p> <p>Entity: 200835 Object Class: 41020 Program: 1004901 Project: 0000000 WFO: 0000000 Local Use: 0000000</p> | | | | |

JULY 2004

PageID #: 3063

U.S. Department of Energy

STATE ENERGY PROGRAM (SEP)

NARRATIVE INFORMATION WORKSHEET

Grant: EE0010060; Recipient: Conservation and Development Commission Energy Resources; Program Year: 2022

SEO title : Appliance Standards

Revision status: Active (pending add)

1. Activity

- | | | |
|---------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Education and Outreach | <input type="checkbox"/> Energy Security |
| <input type="checkbox"/> Funding and/or Financing | <input checked="" type="checkbox"/> Policy, Planning, and/or Program Development | <input type="checkbox"/> Program Management |
| <input type="checkbox"/> Technical Assistance | <input type="checkbox"/> Training and/or Workforce Development | <input type="checkbox"/> Technology Action Group (TAG) |

2. State: CA

3. Sector

- | | | |
|--------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Agriculture / Agricultural | <input type="checkbox"/> Institutional | <input type="checkbox"/> Not Applicable |
| <input checked="" type="checkbox"/> Buildings | <input type="checkbox"/> Landlord / Tenant | <input checked="" type="checkbox"/> Private Sector |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Local Government | <input checked="" type="checkbox"/> Residential |
| <input checked="" type="checkbox"/> Federal Government | <input checked="" type="checkbox"/> Low / Limited Income | <input type="checkbox"/> Rural |
| <input checked="" type="checkbox"/> General Public | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> State or Territory Government |
| <input type="checkbox"/> K-12 Schools | <input checked="" type="checkbox"/> Multi-state Collaboration | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Higher Education | <input type="checkbox"/> Non-building Infrastructure | <input checked="" type="checkbox"/> Tribal / Native American |
| <input checked="" type="checkbox"/> Industrial | <input checked="" type="checkbox"/> Non-profits | <input checked="" type="checkbox"/> Utilities |

4. Technology and/or Topic Areas

- | | |
|------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Alternative Fuels and Advanced Vehicle Technologies | <input checked="" type="checkbox"/> Environmental Justice |
| <input checked="" type="checkbox"/> Appliance Efficiency or Standards | <input type="checkbox"/> Fuel Cell and Hydrogen Technologies |
| <input type="checkbox"/> Audits and Assessments (Energy, Water, and Process) | <input type="checkbox"/> Geothermal |
| <input type="checkbox"/> Benchmarking | <input type="checkbox"/> Grid Modernization |
| <input type="checkbox"/> Biofuels | <input type="checkbox"/> Hydropower / Hydrokinetic Power |
| <input type="checkbox"/> Biomass | <input type="checkbox"/> Natural Gas |
| <input type="checkbox"/> Building Energy Codes or Standards | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Carbon Capture, Utilization and Storage | <input type="checkbox"/> Propane |
| <input checked="" type="checkbox"/> Clean Energy / Clean Energy Technologies | <input type="checkbox"/> Renewable Energy |
| <input type="checkbox"/> Combined Heat and Power | <input checked="" type="checkbox"/> Resiliency |
| <input checked="" type="checkbox"/> Cybersecurity | <input checked="" type="checkbox"/> Smart Grid |
| <input checked="" type="checkbox"/> Distributed Energy Resources | <input type="checkbox"/> STEM Education |
| <input type="checkbox"/> Electric Vehicles and Infrastructure | <input type="checkbox"/> Solar |
| <input checked="" type="checkbox"/> Energy Affordability | <input type="checkbox"/> Storage |
| <input type="checkbox"/> Energy Certification Programs | <input type="checkbox"/> U.S. DOE Accelerators |
| <input checked="" type="checkbox"/> Energy Conservation | <input type="checkbox"/> U.S. DOE Clean Cities |
| <input checked="" type="checkbox"/> Energy Efficiency | <input type="checkbox"/> Waste to Energy / Solid Waste Minimization |
| <input checked="" type="checkbox"/> Energy Equity | <input checked="" type="checkbox"/> Water Nexus |
| <input checked="" type="checkbox"/> Energy Management | <input type="checkbox"/> Weatherization |
| <input type="checkbox"/> Energy Savings Performance Contracting | <input type="checkbox"/> Wind |
| <input checked="" type="checkbox"/> ENERGY STAR | |

5. Estimated annual energy savings: 0 MBtus

6. Description (executive summary of goals and objectives)*

STATE ENERGY PROGRAM (SEP)

NARRATIVE INFORMATION WORKSHEET

Grant: EE0010060; Recipient: Conservation and Development Commission Energy Resources; Program Year: 2022

The Appliance Standards Program is designed to increase the energy and water efficiency of appliances sold or offered for sale to California consumers and businesses. The program also develops flexible demand appliance standards that offers consumers the flexibility to automatically turn on and off appliances based on grid signals for pricing and usage. The principal strategy is to develop, implement, and enforce standards which require appropriate minimum energy and water efficiencies, maximum energy consumption allowances for each type of regulated appliance, as well as appliance standards with flexible demand signals.

The Appliance Standards Program collects, validates, and publishes model specific data for over 65 different, unique appliances in 15 appliance categories. Current law states that manufacturers and retailers may not sell or offer for sale regulated appliances in California unless the appliances are certified by their manufacturers (or approved third-parties) and listed in the CA Modernized Appliance Efficiency Database System (MAEDbS). An appliance may only be listed after a manufacturer submits data on the appliance with a statement certifying that the appliance meets CA's water and/or energy efficiency standards, and has been tested and marked as required. The MAEDbS is one integrated system that allows manufacturers and others to submit certification data and verify compliance electronically. Manufacturers can manage their own accounts, look to see what they have submitted in the past, what models were input into our database and if their third-party or test lab application is approved. The MAEDbS is used by (1) local government building departments to enforce energy efficiency standards, (2) utilities conducting appliance efficiency rebate programs, (3) consumers making purchasing decisions, (4) energy consultants for design work, (5) manufacturers confirming their listings, and (6) a wide range of groups seeking to research and propose new efficiency standards.

7. Program year milestones

8. Program year metrics

a. Specific metric activity (required)**

Metric area:

10. Training and Education/ Technical Assistance

Metric:

10a. Education and outreach conducted

| | |
|-------------------------------------------------------------------------------------|-----|
| Number of contacts reached via webinars, site visits, fact sheets, or other (count) | 25 |
| Number of workshops, training, and education sessions held (count) | 10 |
| Number of people attending workshops, training, and education sessions (count) | 250 |

Metric:

10b. Technical assistance provided

| | |
|--------------------------------|----|
| Number of participants (count) | 25 |
|--------------------------------|----|

b. User specified metrics (optional)*

No records found

9. Program year funds by source

a. SEP grant (all funds in the approved budget)

| | |
|---------------------------|-----------------|
| Fund Source | Planned Amount |
| Federal | |
| Fund Source Type: Federal | \$12,002,447.59 |
| Total | \$12,002,447.59 |

b. Leveraged funds anticipated (outside approved budget)

| | |
|------------------|----------------|
| Fund Source | Planned Amount |
| No records found | |
| Total | \$0.00 |

STATE ENERGY PROGRAM (SEP)

NARRATIVE INFORMATION WORKSHEET

Grant: EE0010060; Recipient: Conservation and Development Commission Energy Resources; Program Year: 2022

*Please use additional pages if more space is needed.

**Mandatory requirement

STATE ENERGY PROGRAM (SEP)

NARRATIVE INFORMATION WORKSHEET

Grant: EE0010060; Recipient: Conservation and Development Commission Energy Resources; Program Year: 2022

SEO title : Building Standards Compliance

Revision status: Active (pending add)

1. Activity

- | | | |
|---------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Education and Outreach | <input type="checkbox"/> Energy Security |
| <input type="checkbox"/> Funding and/or Financing | <input checked="" type="checkbox"/> Policy, Planning, and/or Program Development | <input type="checkbox"/> Program Management |
| <input type="checkbox"/> Technical Assistance | <input type="checkbox"/> Training and/or Workforce Development | <input type="checkbox"/> Technology Action Group (TAG) |

2. State: CA

3. Sector

- | | | |
|--------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Agriculture / Agricultural | <input type="checkbox"/> Institutional | <input type="checkbox"/> Not Applicable |
| <input checked="" type="checkbox"/> Buildings | <input type="checkbox"/> Landlord / Tenant | <input checked="" type="checkbox"/> Private Sector |
| <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Local Government | <input checked="" type="checkbox"/> Residential |
| <input checked="" type="checkbox"/> Federal Government | <input checked="" type="checkbox"/> Low / Limited Income | <input checked="" type="checkbox"/> Rural |
| <input checked="" type="checkbox"/> General Public | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> State or Territory Government |
| <input checked="" type="checkbox"/> K-12 Schools | <input type="checkbox"/> Multi-state Collaboration | <input type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> Higher Education | <input type="checkbox"/> Non-building Infrastructure | <input checked="" type="checkbox"/> Tribal / Native American |
| <input type="checkbox"/> Industrial | <input checked="" type="checkbox"/> Non-profits | <input checked="" type="checkbox"/> Utilities |

4. Technology and/or Topic Areas

- | | |
|------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Alternative Fuels and Advanced Vehicle Technologies | <input checked="" type="checkbox"/> Environmental Justice |
| <input type="checkbox"/> Appliance Efficiency or Standards | <input type="checkbox"/> Fuel Cell and Hydrogen Technologies |
| <input type="checkbox"/> Audits and Assessments (Energy, Water, and Process) | <input type="checkbox"/> Geothermal |
| <input type="checkbox"/> Benchmarking | <input type="checkbox"/> Grid Modernization |
| <input type="checkbox"/> Biofuels | <input type="checkbox"/> Hydropower / Hydrokinetic Power |
| <input type="checkbox"/> Biomass | <input type="checkbox"/> Natural Gas |
| <input checked="" type="checkbox"/> Building Energy Codes or Standards | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Carbon Capture, Utilization and Storage | <input type="checkbox"/> Propane |
| <input checked="" type="checkbox"/> Clean Energy / Clean Energy Technologies | <input checked="" type="checkbox"/> Renewable Energy |
| <input type="checkbox"/> Combined Heat and Power | <input checked="" type="checkbox"/> Resiliency |
| <input type="checkbox"/> Cybersecurity | <input checked="" type="checkbox"/> Smart Grid |
| <input checked="" type="checkbox"/> Distributed Energy Resources | <input type="checkbox"/> STEM Education |
| <input type="checkbox"/> Electric Vehicles and Infrastructure | <input checked="" type="checkbox"/> Solar |
| <input checked="" type="checkbox"/> Energy Affordability | <input checked="" type="checkbox"/> Storage |
| <input type="checkbox"/> Energy Certification Programs | <input type="checkbox"/> U.S. DOE Accelerators |
| <input checked="" type="checkbox"/> Energy Conservation | <input type="checkbox"/> U.S. DOE Clean Cities |
| <input checked="" type="checkbox"/> Energy Efficiency | <input type="checkbox"/> Waste to Energy / Solid Waste Minimization |
| <input checked="" type="checkbox"/> Energy Equity | <input type="checkbox"/> Water Nexus |
| <input checked="" type="checkbox"/> Energy Management | <input type="checkbox"/> Weatherization |
| <input type="checkbox"/> Energy Savings Performance Contracting | <input type="checkbox"/> Wind |
| <input type="checkbox"/> ENERGY STAR | |

5. Estimated annual energy savings: 0 MBtus

6. Description (executive summary of goals and objectives)*

STATE ENERGY PROGRAM (SEP)

NARRATIVE INFORMATION WORKSHEET

Grant: EE0010060; Recipient: Conservation and Development Commission Energy Resources; Program Year: 2022

The CEC was born out of the energy crisis that affected the U.S. in the early 1970s. To address energy demand, the CEC was to design energy policy that reduced use through better efficiencies. As CA's energy policy agency, the Building Standards Branch is mandated to update the Building Energy Efficiency Standards (CA Energy Code) every three years to increase the energy efficiency of new and existing buildings. Today, homes and businesses use nearly 70 percent of California's electricity and are responsible for a quarter of CA's greenhouse gas (GHG) emissions.

The core focus of the CA Energy Code has been efficiency, but the 2019 Energy Code ventured into onsite generation by requiring solar photovoltaic (PV) on new homes, providing significant GHG savings. The 2022 Energy Code update builds off this progress with expanded solar standards and the move to onsite energy storage that will help Californians save on utility bills while bolstering the grid. The CA Energy Code must be cost-effective and technically feasible to be adopted so that implementation is affordable while helping CA manage energy demand and advance the state's climate and clean air goals. The Energy Code impacts individual households in California because more energy efficiency in buildings reduces utility bills, improves indoor air quality, improves comfort inside buildings, and increases the market value of properties by making them more affordable to operate.

The 2022 Energy Code update, which takes effect January 1, 2023, focuses on four key areas in new residential and commercial construction: encourages electric heat pump technology and use, establishes electric-ready requirements when natural gas is installed, expands solar PV system and battery storage standards, and strengthens ventilation standards to improve indoor air quality.

7. Program year milestones

8. Program year metrics

a. Specific metric activity (required)**

Metric area:

10. Training and Education/ Technical Assistance

Metric:

10a. Education and outreach conducted

| | |
|-------------------------------------------------------------------------------------|-------|
| Number of contacts reached via webinars, site visits, fact sheets, or other (count) | 2,500 |
| Number of workshops, training, and education sessions held (count) | 75 |
| Number of people attending workshops, training, and education sessions (count) | 2,500 |

Metric:

10b. Technical assistance provided

| | |
|--------------------------------|-----|
| Number of participants (count) | 250 |
|--------------------------------|-----|

b. User specified metrics (optional)*

No records found

9. Program year funds by source

a. SEP grant (all funds in the approved budget)

| | |
|---------------------------|----------------|
| Fund Source | Planned Amount |
| Federal | |
| Fund Source Type: Federal | \$9,485,766.18 |
| Total | \$9,485,766.18 |

b. Leveraged funds anticipated (outside approved budget)

| | |
|------------------|----------------|
| Fund Source | Planned Amount |
| No records found | |
| Total | \$0.00 |

STATE ENERGY PROGRAM (SEP)

NARRATIVE INFORMATION WORKSHEET

Grant: EE0010060; Recipient: Conservation and Development Commission Energy Resources; Program Year: 2022

*Please use additional pages if more space is needed.

**Mandatory requirement

STATE ENERGY PROGRAM (SEP)

NARRATIVE INFORMATION WORKSHEET

Grant: EE0010060; Recipient: Conservation and Development Commission Energy Resources; Program Year: 2022

SEO title : Buildings Energy Efficiency Standards

Revision status: Active (pending add)

1. Activity

- | | | |
|---------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Education and Outreach | <input type="checkbox"/> Energy Security |
| <input type="checkbox"/> Funding and/or Financing | <input checked="" type="checkbox"/> Policy, Planning, and/or Program Development | <input type="checkbox"/> Program Management |
| <input type="checkbox"/> Technical Assistance | <input type="checkbox"/> Training and/or Workforce Development | <input type="checkbox"/> Technology Action Group (TAG) |

2. State: CA

3. Sector

- | | | |
|--------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Agriculture / Agricultural | <input type="checkbox"/> Institutional | <input type="checkbox"/> Not Applicable |
| <input checked="" type="checkbox"/> Buildings | <input checked="" type="checkbox"/> Landlord / Tenant | <input checked="" type="checkbox"/> Private Sector |
| <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Local Government | <input type="checkbox"/> Residential |
| <input checked="" type="checkbox"/> Federal Government | <input checked="" type="checkbox"/> Low / Limited Income | <input checked="" type="checkbox"/> Rural |
| <input checked="" type="checkbox"/> General Public | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> State or Territory Government |
| <input checked="" type="checkbox"/> K-12 Schools | <input checked="" type="checkbox"/> Multi-state Collaboration | <input type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> Higher Education | <input type="checkbox"/> Non-building Infrastructure | <input checked="" type="checkbox"/> Tribal / Native American |
| <input checked="" type="checkbox"/> Industrial | <input type="checkbox"/> Non-profits | <input checked="" type="checkbox"/> Utilities |

4. Technology and/or Topic Areas

- | | |
|------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Alternative Fuels and Advanced Vehicle Technologies | <input checked="" type="checkbox"/> Environmental Justice |
| <input checked="" type="checkbox"/> Appliance Efficiency or Standards | <input type="checkbox"/> Fuel Cell and Hydrogen Technologies |
| <input type="checkbox"/> Audits and Assessments (Energy, Water, and Process) | <input type="checkbox"/> Geothermal |
| <input type="checkbox"/> Benchmarking | <input type="checkbox"/> Grid Modernization |
| <input type="checkbox"/> Biofuels | <input type="checkbox"/> Hydropower / Hydrokinetic Power |
| <input type="checkbox"/> Biomass | <input type="checkbox"/> Natural Gas |
| <input checked="" type="checkbox"/> Building Energy Codes or Standards | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Carbon Capture, Utilization and Storage | <input type="checkbox"/> Propane |
| <input checked="" type="checkbox"/> Clean Energy / Clean Energy Technologies | <input checked="" type="checkbox"/> Renewable Energy |
| <input checked="" type="checkbox"/> Combined Heat and Power | <input checked="" type="checkbox"/> Resiliency |
| <input type="checkbox"/> Cybersecurity | <input type="checkbox"/> Smart Grid |
| <input checked="" type="checkbox"/> Distributed Energy Resources | <input type="checkbox"/> STEM Education |
| <input type="checkbox"/> Electric Vehicles and Infrastructure | <input checked="" type="checkbox"/> Solar |
| <input checked="" type="checkbox"/> Energy Affordability | <input type="checkbox"/> Storage |
| <input type="checkbox"/> Energy Certification Programs | <input type="checkbox"/> U.S. DOE Accelerators |
| <input checked="" type="checkbox"/> Energy Conservation | <input type="checkbox"/> U.S. DOE Clean Cities |
| <input checked="" type="checkbox"/> Energy Efficiency | <input type="checkbox"/> Waste to Energy / Solid Waste Minimization |
| <input checked="" type="checkbox"/> Energy Equity | <input checked="" type="checkbox"/> Water Nexus |
| <input type="checkbox"/> Energy Management | <input type="checkbox"/> Weatherization |
| <input checked="" type="checkbox"/> Energy Savings Performance Contracting | <input type="checkbox"/> Wind |
| <input checked="" type="checkbox"/> ENERGY STAR | |

5. Estimated annual energy savings: 3,815,376 MBtus

6. Description (executive summary of goals and objectives)*

STATE ENERGY PROGRAM (SEP)

NARRATIVE INFORMATION WORKSHEET

Grant: EE0010060; Recipient: Conservation and Development Commission Energy Resources; Program Year: 2022

The California Energy Commission (Energy Commission) publishes and updates the *Building Energy Efficiency Standards* (*Standards*) every three years. Two State energy policy goals drive the design of the *Standards*: first, Loading Order, which directs meeting growing demand first, with costeffective energy efficiency improvements and demand response followed by renewable generation; and achieving "Zero Net Energy" (ZNE) in residential buildings by 2020 and nonresidential buildings by 2030. To achieve this goal newly constructed residential and nonresidential buildings must use a combination of improved energy efficiency and distributed renewable generation to meet 100 percent of their annual energy needs.

The Energy Commission is required by law to adopt *Standards* that are costeffective for buildingowners over the 30year life of the buildings. Staff works closely with stakeholders through a variety of mechanisms, including public meetings and workshops to facilitate the development of the *Standards*. This process allows all stakeholders to participate in an open and transparent public process.

7. Program year milestones**8. Program year metrics****a. Specific metric activity (required)****

Metric area:

10. Training and Education/ Technical Assistance

Metric:

10a. Education and outreach conducted

| | |
|-------------------------------------------------------------------------------------|-------|
| Number of contacts reached via webinars, site visits, fact sheets, or other (count) | 2,500 |
| Number of workshops, training, and education sessions held (count) | 75 |
| Number of people attending workshops, training, and education sessions (count) | 2,500 |

b. User specified metrics (optional)*

No records found

9. Program year funds by source**a. SEP grant (all funds in the approved budget)**

| Fund Source | Planned Amount |
|---------------------------|-----------------------|
| Federal | |
| Fund Source Type: Federal | \$8,815,786.23 |
| Total | \$8,815,786.23 |

b. Leveraged funds anticipated (outside approved budget)

| Fund Source | Planned Amount |
|-------------|----------------|
|-------------|----------------|

U.S. Department of Energy

STATE ENERGY PROGRAM (SEP)

NARRATIVE INFORMATION WORKSHEET

Grant: EE0010060; Recipient: Conservation and Development Commission Energy Resources; Program Year: 2022*No records found*

| | |
|-------|--------|
| Total | \$0.00 |
|-------|--------|

*Please use additional pages if more space is needed.

**Mandatory requirement

Federal Assistance Reporting Checklist (FARC)

Attachment 2

[illegible]

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IV. POST-PROJECT REPORTING

- ☐ A. Scientific and Technical Reporting
- ☐ B. Intellectual Property Reporting

A. [OSTI E-Link](#)B. [iEdison](#)

FREQUENCY CODES AND DUE DATES:

A5 – As Specified or within five (5) calendar days after the event.

F – Final; within 120 calendar days after expiration or termination of the award.

O – Other: See instructions for further details.

P – Post-project (after the period of performance); within five (5) calendar days after the event, or as specified.

Q – Quarterly; within 30 calendar days after the end of the federal fiscal year quarter.

S – Semiannually; within 30 days after end of the reporting period.

Y – Yearly; within 90 calendar days after the end of the federal fiscal year.

Y180 – Yearly; within 180 calendar days after the close of the recipient's fiscal year.

FULL URLS:

OSTI E-Link: <http://www.osti.gov/elink-2413>OSTI E-Link Datasets: <https://www.osti.gov/elink/2416-submission.jsp>DOE CODE: <https://www.osti.gov/doecode/>iEdison: <http://www.iedison.gov>EERE PMC: <https://www.eere-pmc.energy.gov/SubmitReports.aspx>FSRS: <https://www.fsr.gov>PAGE: <https://www.page.energy.gov>

Energy Efficiency &
Renewable Energy**Federal Assistance Reporting Checklist
(FARC)****5. EERE Special Instructions:****K.1 Annual Historic Preservation Report**

- *Located in each state's Program Year award record in PAGE. The Annual Historic Preservation report should summarize all SEP funding sources*

The recipient shall submit the Annual Historic Preservation Report on September 15th via <https://www.page.energy.gov/>. The Report shall cover the reporting period from September 1st through August 31st.

K.4 National Environmental Policy Act (NEPA) Logs

All activities must be documented (e.g., a NEPA log) to ensure compliance with the restrictions of the Bounded Categories. The documentation must be available for DOE review upon request and emailed on a quarterly basis to GONEPA@ee.doe.gov. A sample template NEPA log is available at www.energy.gov/node/4816816.

K.5 Bipartisan Infrastructure Law (BIL) Supplemental Annual Data Report

The BIL Supplemental Annual Data Report form will be used to uniformly collect data on the outputs and outcomes of BIL-funded activities. The BIL Supplemental Annual Data Report shall be submitted annually within 90 days of the end of each BIL Program Year. Grantees should only complete the portions of the form that correspond to the grantee's activities. A template report will be provided to grantee's by the DOE Project Officer.



Energy Efficiency &
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Federal Assistance Reporting Checklist (FARC)

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EERE Reporting Instructions

******* *Throughout the performance of the project, it is important that you mark Protected Data/Limited Rights Data as described in Appendix A. It is equally important that you not submit Protected Personally Identifiable Information (Protected PII) to EERE. See Appendix A for guidance on Protected PII.* *******

Report Templates Link: <http://energy.gov/eere/funding/eere-funding-application-and-management-forms>

I. Project Management Reporting

A. SEP Progress Report

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Within 30 calendar days after the end of the quarterly reporting period (January 30, April 30, July 30, October 30) |

The recipient must provide a concise narrative assessment of the status of work and include the following information and any other information identified under Special Instructions on the Federal Assistance Reporting Checklist:

The funding for this Award is made available under the BIL and is subject to the applicable requirements included in the BIL. Additional BIL requirements and metrics may be added to the SEP Progress Report, as they become available.

1. Cover Page

- a. The DOE Award Number (as it appears on the award face page)
- b. Recipient Name (as it appears on the award face page)
- c. Project Title
- d. Project Director / Principal Investigator (PD/PI) Name, Title and Contact Information (e-mail address and phone number)
- e. Name of Submitting Official, Title, and Contact Information (e-mail address and phone number), if other than PD/PI
- f. Project Period (Start Date, End Date)
- g. Report Submission Date
- h. Reporting Period Start and End Date

2. Project Overview

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A written comparison of the actual project accomplishments with the project goals and objectives established for the reporting period; if goals and/or objectives for the reporting period were not met, a detailed description of the variance shall be provided.

3. Accomplishments

A discussion of what was accomplished under these goals and objectives established for this reporting period, including major activities, significant results, major findings or conclusions, key outcomes, or other achievements. This section should not contain any proprietary data or other information not subject to public release. If such information is important to reporting progress, do not include the information, but include a note in the report advising the reader to contact the Principal Investigator or the Project Director for further information.

4. Budgetary Information

A comparison of the approved budget by budget period and the actual costs incurred during the reporting period shall be provided. If cost sharing is required, the cost breakdown shall show the DOE share, recipient share, and total costs.

5. Schedule Status

List milestones, anticipated completion dates and actual completion dates. If you submitted a project management plan with your application, you must use this plan to report schedule and budget variances. You may use your own project management system to provide this information.

6. Changes/Problems

Describe any changes during the reporting period in project approach and the reasons for these changes. Remember, significant changes to the project objectives and scope require prior approval by the Contracting Officer. Describe any actual or anticipated problems or delays and any actions taken or planned to resolve them.

7. Participants & Other Collaborating Organizations

Describe any absence or changes of key personnel or changes in consortium/teaming arrangement during the reporting period.

8. Products

List and describe any product produced or technology transfer activities accomplished during this reporting period, such as:

- a. Publications, conference papers, and presentations.** List peer-reviewed articles or papers that have been submitted for publication in scientific, technical, or professional journals. Include any papers submitted for peer-reviewed publication in the periodically published proceedings of a scientific society, a

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conference, or the like. A publication in the proceedings of a one-time conference, not part of a series, should be reported under "Books or other non-periodical, one-time publications."

Identify for each publication: Author(s); title; journal; volume; year; page numbers; status of publication (published; accepted, awaiting publication; submitted, under review; other); acknowledgement of federal support (yes/no); legal disclaimer language (yes/no). Also see instructions under II. Scientific/Technical Reporting regarding the submission of AM and other STI as appropriate.

Please note: Recipient must use the EERE acknowledgement and legal disclaimer language as described in the Special Terms and Conditions (additional information can be found at the EERE Communications Standards website:

<https://www.energy.gov/eere/communicationstandards/eere-branded-publications-developed-third-parties>).

- a. **Website(s)** (list the URL) that reflect the results of this project.
- b. **Networks or collaborations** fostered.
- c. **Technologies or techniques** (Identify and Describe).
- d. **Other products**, such as data or databases, physical collections, audio or video, software or NetWare, models, education aid or curricula, instruments or equipment (Identify and Describe).

B. Financial Report SF-425 Federal Financial Report

| | |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://page.energy.gov |
| Submission deadline: | Within 30 calendar days after the end of the quarterly reporting period (January 30, April 30, July 30, October 30) and within 120 calendar days after expiration or termination of the award |

Every quarter, the prime recipient is required to submit a completed SF-425 for the project to EERE, covering the entirety of work performed by the prime recipient, subrecipients, and contractors – to EERE. A fillable version of the SF-425 is available at <https://www.energy.gov/eere/funding/eere-funding-application-and-management-forms>.

F. Special Status Reports

| | |
|------------|-----------------------------------------------|
| Submit to: | Submit to DOE Project Officer |
|------------|-----------------------------------------------|



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| | |
|-------------------------|----------------------------------------------------------------|
| Submission deadline: | Within five (5) calendar days after the event, or as specified |
|-------------------------|----------------------------------------------------------------|

Problems, delays, or adverse conditions which materially impair the recipient's ability to meet the objectives of the award or which may require DOE to respond to questions relating to such events from the public. The recipient must report any of the following incidents and include the anticipated impact and remedial action to be taken to correct or resolve the problem/condition.

The prime recipient is required to report the following events to EERE:

1. Any notices or claims of patent or copyright infringement arising out of or relating to the performance of the EERE award;
2. Refusal of a subrecipient to accept flow down requirements in the Special Terms and Conditions and/or any Attachment to the EERE award;
3. Potential or actual violations of federal, state, and municipal laws arising out of or relating to work under the award;
4. Any improper claims or excess payments arising out of or relating to work under the award;
5. Potential or actual violations of the cost share requirements under the award;
6. Potential or actual noncompliance with EERE or DOE reporting requirements under the award;
7. Potential or actual violations of the lobbying restrictions in the award;
8. Potential or actual bankruptcy/insolvency of the prime recipient or subrecipient;
9. Potential or actual violation of U.S. export control laws and regulations arising out of or relating to the work under the award;
10. Any fatality or injuries requiring hospitalization arising out of or relating to work under the award;
11. Potential or actual violations of environmental, health, or safety laws and regulations, any significant environmental permit violation, and any incident which causes a significant process or hazard control system failure;
12. Any event which is anticipated to cause a significant schedule slippage or cost increase;



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13. Any damage to Government-owned equipment in excess of \$50,000;
14. Developments that have a significant favorable impact on the project; and,
15. Any incident arising out of or relating to work under the award that has the potential for high visibility in the media.

G. Continuation Application

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within five (5) calendar days after the event, or as specified |

A continuation application is a non-competitive application for an additional budget period within a previously approved period of performance. The continuation application should be submitted at least ninety (90) calendar days before the end of each budget period, or as specified in the Special Terms and Conditions of the award.

II. Award Management Reporting

C. Demographic Reporting

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | Within 30 days after issuance of award |

**DEMOGRAPHIC INFORMATION FOR SIGNIFICANT CONTRIBUTORS
(SEP Progress Report, Appendix)**

Demographic data (i.e., gender, ethnicity, race, and disability status) should be provided directly by the Principal Investigator and Business Contact with the understanding that the submission of this report is mandatory for awards made after 03/01/2022. There are no adverse consequences for responding “Do not wish to provide” in any question. Principal Investigators and Business Contacts of awards made prior to 03/01/2022 are encouraged, but not required, to submit demographic reporting. Confidentiality of demographic data will be in accordance with agency’s policy and practices for complying with the requirements of the Privacy Act.

Gender:

- ☐ Male
- ☐ Female
- ☐ Do not wish to provide

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Ethnicity:

- ☐ Hispanic or Latina/o
- ☐ Not-Hispanic or not-Latina/o
- ☐ Do not wish to provide

Race (select one or more):

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Native Hawaiian or other Pacific Islander
- ☐ White
- ☐ Do not wish to provide

Disability Status:

- ☐ Yes (check yes if any of the following apply to you)
 - ☐ Deaf or serious difficulty hearing
 - ☐ Blind or serious difficulty seeing even when wearing glasses
 - ☐ Serious difficulty walking or climbing stairs
 - ☐ Other serious disability related to a physical, mental, or emotional condition.
- ☐ No
- ☐ Do not wish to provide

This measure is designed as a binary measure; it encompasses all self-reported disabilities. Please do not use it to report the number of individuals who have different types of disabilities (e.g., hearing impairments).

Note: This construct is not designed to be used at an individual-level (i.e., it should not be used for determining accommodation needs or disability status for particular individuals associated with the project).

E. Tangible Personal Property Report – Disposition Request/Report (SF-428 & SF-428C)

| | |
|----------------------|-----------------------------------------------------|
| Submit to: | Email to DOE Project Officer |
| Submission deadline: | Within 5 calendar days of the event or as specified |

The prime recipient must request disposition instructions for or report disposition of federally-owned property or equipment acquired with project funds, whether the property or equipment is/was in the possession of the prime recipient or subrecipient(s). Recipients may also be required to provide compensation to the awarding agency when acquired equipment is sold or retained for use on activities not sponsored by the federal

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government. Any equipment with an acquisition cost above \$5,000 must be included in the inventory.

If disposition occurs at any time other than award closeout (i.e., at any time throughout the life of the project or after project completion and closeout as long as the federal government retains an interest in the item), the prime recipient must complete an SF-428 and SF-428C, available at <https://www.energy.gov/eere/funding/eere-funding-application-and-management-forms>.

If disposition instructions are requested at the time of award closeout, the prime recipient must submit the SF-428 and SF-428B (see **III. Closeout Reporting**).

Only the EERE Contracting Officer has authority to approve disposition requests and issue disposition instructions.

F. Uniform Commercial Code (UCC) Financing Statements

| | |
|----------------------|-----------------------------------------------------------------|
| Submit to: | Email to DOE Project Officer |
| Submission deadline: | Within five (5) calendar days after the event, or as specified. |

If a for-profit recipient or subrecipient desires to purchase a piece of equipment for their project, and the per-unit dollar value of said equipment is \$5,000 or more, and the federal share of the financial assistance agreement is more than \$1M, the recipient or subrecipient must file a UCC financing statement.

A UCC financing statement provides public notice that the federal government has an undivided reversionary interest in the equipment, and as such the equipment cannot be sold or used as collateral for a loan (encumbered).

The for-profit recipient or subrecipient must file the UCC financing statement(s) with the Secretary of State where the equipment will be physically located and must pay any associated costs for such filings.

The initial UCC financing statement may also be referred to as a UCC1. For additional pieces of equipment not specified in the award budget, TBD equipment, or equipment needed in future budget periods, the recipient can file an amendment to the original UCC1 financing statement, by submitting the UCC3 financing statement amendment.

Each UCC financing statement or amendment is to be filed with the appropriate Secretary of State office, where the equipment will be physically located.

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Note: All costs associated with filing UCC financing statements, UCC financing statement amendments, and UCC financing statement terminations, are allowable and allocable costs which can be charged to the federal award.

At a minimum, the recipient must have stated in their UCC financing statement in block 4. (collateral) the following:

- “Title to all equipment (not real property) purchased with federal funds under this financial assistance agreement is conditional pursuant to the terms of 2 CFR 910.360, and the federal government retains an undivided reversionary interest in the equipment at the federal cost-share proportion specified in the award terms and conditions.”
- Federal Award Identification Number (e.g., DE-EE000XXXX)

G. Federal Subaward Reporting System (FSRS)

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | https://www.fsrs.gov/ |
| Submission deadline: | The prime recipient is required to file a FFATA sub-award report by the end of the month following the month in which the prime recipient awards any sub-grant greater than or equal to \$30,000. |

The Federal Subaward Reporting System (FSRS) is the reporting tool prime recipients use to capture and report subaward and executive compensation data regarding their first-tier subrecipients to meet the FFATA reporting requirements. Prime recipients will report against subrecipients’ awards. The subrecipient information entered in FSRS will then be displayed on USASpending.gov associated with the prime recipient’s award furthering federal spending transparency.

The prime recipient is required to file a FFATA sub-award report by the end of the month following the month in which the prime recipient awards any sub-award greater than or equal to \$30,000.

H. Annual Incurred Cost Proposals

| | |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | <p>If DOE is the Cognizant Federal Agency, send the Annual Incurred Cost Proposal to one of the following offices:</p> <ul style="list-style-type: none"> • CostPrice@ee.doe.gov (if the Golden Field Office is Cognizant); OR • PricingGroup@netl.doe.gov (if NETL is Cognizant) <p>Otherwise, submit the proposal to the Recipient’s appropriate Cognizant Federal Agency office.</p> |
| Submission deadline: | <p>Within 180 calendar days after the close of the recipient’s fiscal year*</p> <p>*The end of the period of the performance, or closure of an award, does not dismiss this reporting requirement.</p> |

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Prime recipients must submit a certified annual Incurred Cost Proposal (ICP), reconciled to its financial records, in order to finalize and reconcile billing rates incurred and billed to the Government.

An ICP submission is required unless one of the following conditions apply to the DOE award:

- Recipient elected to apply the 10% de minimis rate as allowed under 2 CFR 200.414(f); or
- Recipient has a pre-determined Negotiated Indirect Cost Rate Agreement (NICRA).

J. Single Audit: States, Local Government, Tribal Governments, Institution of Higher Education (IHE), or Non-Profit Organization

| | |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit to: | Federal Audit Clearinghouse - https://harvester.census.gov/facweb/Default.aspx |
| Submission deadline: | Within the earlier of 30 days after receipt of the auditor's report(s) or 9 months after the end of the audit period (recipient's fiscal year-end)* *The end of the period of the performance, or closure of an award, does not dismiss this reporting requirement. |

As required by 2 CFR 200 Subpart F, non-federal entities that expend \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted. The single audit must be conducted in accordance with §200.514 Scope of audit, except when it elects to have a program-specific audit conducted.

For most single audits, the requirement is for annual single audits. However, there are occasions where a single audit is not required annually. Per 2 CFR 200.504 - Frequency of audits, a state, local government, or Indian tribe that is required by constitution or statute to undergo its audits less frequently than annually, is permitted to undergo its audits biennially. Also, any nonprofit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its single audits biennially.

For a program-specific audit, when a recipient expends federal award funds under only one federal program (excluding R&D) and the federal program's statutes, regulations, or the terms and conditions of the federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted. A program-specific audit may not be elected for R&D unless all of the federal awards expended were received from the same federal agency, or the same federal agency and the same pass-through entity, and that federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

The single audit report shall include audited financial statements.

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(FARC)****K. Other (see Special Instructions)**

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | https://www.page.energy.gov |
| Submission deadline: | As specified and described in Box 5 EERE Special Instructions. |

III. Closeout Reporting**C. Tangible Personal Property Report – Final Report (SF-428 & SF-428B)**

| | |
|----------------------|-----------------------------------------------------------------------|
| Submit to: | Email to DOE Project Officer |
| Submission deadline: | Within 120 calendar days after expiration or termination of the award |

The prime recipient must submit a final inventory of and request disposition instructions for any federally-owned property and/or property or equipment acquired with project funds with an acquisition cost above \$5,000, whether the property is/was in the possession of the prime recipient or subrecipients.

The prime recipient must complete an SF-428 and SF-428B, available at <http://energy.gov/eere/funding/eere-funding-application-and-management-forms>.

If disposition occurs at any time other than award closeout, the prime recipient must complete an SF-428 and SF-428C (see IV. Other Reporting H. Property Disposition Request/Report).

Only the EERE Contracting Officer has authority to approve disposition requests and issue disposition instructions.



Appendix A: Notice To Recipients (Prime Recipients And Subrecipients) Regarding Protected Data, Limited Rights Data And Protected Personally Identifiable Information

I. PROTECTED DATA AND LIMITED RIGHTS DATA

The recipient is required to mark protected data and limited rights data in accordance with the IP clause set of the award agreement. Failure to properly mark data may result in its public disclosure under the Freedom of Information Act (FOIA, 5 U.S.C. § 552) or otherwise.

A. Protected Data - Technical Data or Commercial or Financial Data First Produced in the Performance of the Award

The U.S. Government normally retains unlimited rights in any technical data or commercial or financial data produced in performance of Government financial assistance awards, including the right to distribute to the public.

However, under certain EERE awards, the recipient may mark certain categories of data produced under the award as protected from public disclosure for up to five years after the data is produced ("Protected Data"). If the award agreement provides for protected data and the recipient wants the data to be protected, the recipient must properly mark any documents containing Protected Data as set forth in the IP clause set of the award agreement.

B. Limited Rights Data - Data Produced Outside of the Award at Private Expense

Limited Rights Data is data (other than computer software) developed at private expense outside any Government financial assistance award or contract that embody trade secrets or are commercial or financial and confidential or privileged. Prior to including any Limited Rights Data in any documents to EERE, the recipient should review the award agreement. In most EERE awards, the recipient should not deliver any limited rights data to EERE if the recipient wants to protect the Limited Rights Data. If the EERE award does allow and require the delivery of limited rights data, then the recipient must properly mark any documents containing Limited Rights Data as set forth in the IP clause of the award agreement.

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(FARC)****II. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION**

The recipient should not include any Protected Personally Identifiable Information (Protected PII) in their submissions to EERE. Protected PII is defined as any data that, if compromised, could cause harm to an individual such as identify theft. Protected PII includes, but is not limited to:

- Social Security Numbers in any form;
- Place of Birth associated with an individual;
- Date of Birth associated with an individual;
- Mother's maiden name associated with an individual;
- Biometric record associated with an individual;
- Fingerprint;
- Iris Scan;
- DNA;
- Medical history information associated with an individual;
- Medical conditions, including history of disease;
- Metric information, e.g., weight, height, blood pressure;
- Criminal history associated with an individual;
- Ratings;
- Disciplinary actions;
- Passport number;
- Educational transcripts;
- Financial information associated with an individual;
- Credit card numbers; and
- Security clearance history or related information (not including actual clearances held).

BUDGET INFORMATION - Non-Construction Programs

| | | | |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------|--|
| 1. Program/Project Identification No. EE0010060 | | 2. Program/Project Title State Energy Program: Bipartisan Infrastructure Law | |
| 3. Name and Address California Energy Resources Conservation Development Commission 715 P Street MS-18 Sacramento, CA 958145512 | 4. Program/Project Start Date 04/01/2023 | | |
| | 5. Completion Date 03/31/2028 | | |

| SECTION A - BUDGET SUMMARY | | | | | | |
|-------------------------------------------------|-------------------------------|-----------------------------|--------------------|-----------------------|--------------------|------------------|
| Grant Program Function or Activity (a) | Federal Catalog No. (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. Federal | 81.041 | \$ 0.00 | | \$ 30,304,000.00 | | \$ 30,304,000.00 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. TOTAL | | \$ 0.00 | \$ 0.00 | \$ 30,304,000.00 | \$ 0.00 | \$ 30,304,000.00 |

| SECTION B - BUDGET CATEGORIES | | | | | |
|-------------------------------|-------------------------------------|-----|-----|-----|------------------|
| 6. Object Class Categories | Grant Program, Function or Activity | | | | Total (5) |
| | (1) GRANTEE ADMINISTRATI ON | (2) | (3) | (4) | |
| a. Personnel | \$ 16,492,367.09 | | | | \$ 16,492,367.09 |
| b. Fringe Benefits | \$ 6,999,194.19 | | | | \$ 6,999,194.19 |
| c. Travel | \$ 0.00 | | | | \$ 0.00 |
| d. Equipment | \$ 0.00 | | | | \$ 0.00 |
| e. Supplies | \$ 0.00 | | | | \$ 0.00 |
| f. Contract | \$ 0.00 | | | | \$ 0.00 |
| g. Construction | \$ 0.00 | | | | \$ 0.00 |
| h. Other Direct Costs | \$ 0.00 | | | | \$ 0.00 |
| i. Total Direct Charges | \$ 23,491,561.28 | | | | \$ 23,491,561.28 |
| j. Indirect Costs | \$ 6,812,438.72 | | | | \$ 6,812,438.72 |
| k. Totals | \$ 30,304,000.00 | | | | \$ 30,304,000.00 |
| 7. Program Income | \$ 0.00 | | | | \$ 0.00 |

U.S. DEPARTMENT OF ENERGY



BUDGET JUSTIFICATION FOR FORMULA GRANTS

Applicant: California Energy Resources Conservation Development
Commission (California Energy Commission)
Award number: EE0010060

Budget period: 04/01/2023 - 03/31/2028

1. **PERSONNEL** - Prime Applicant only (all other participant costs are listed in 6 below and form SF-242A, Section B.

Line 6.f. Contracts and Sub-Grants).

Positions to be supported under the proposed award and brief description of the duties of professionals:

| Position | Description of Duties of Professionals |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appliance-Energy Resources Specialist III (Managerial) | Manages supervisors and technical staff in the Appliances Branch who perform evaluations, analyses, policy and standards development, and implementation of appliance energy and water efficiency standards, flexible demand appliance standards, and manufacturer certification of those appliances to the state. |
| Appliance-Senior Mechanical Engineer | Lead technical engineer on mechanical and flexible demand appliance standards. Conducts analyses, makes recommendations, and develops standards and test procedures. Coordinates with utilities, manufactures, and U.S. DOE. |
| Appliance-Energy Resources Specialist III (Supervisory) | Supervises technical staff in the Appliances Branch who oversee the appliance certification program including development and implementation of the CA Modernized Appliance Efficiency Database System (MAEDbS) where manufacturers are required to certified covered appliances. |
| Building-Energy Resources Specialist III (Managerial) | Manages supervisors and technical staff in the Building Standards Branch who perform evaluations and analyses, and develop the Building Energy Efficiency Standards (CA Energy Code) and the CALGreen voluntary reach code every three years. Develops and implements Energy Code compliance tools, outreach and education, and the local reach code program. |
| Building-Senior Mechanical Engineer | Lead technical mechanical systems engineer for new and existing buildings for the CA Energy Code. Conducts analyses, makes recommendations, and develops standards. Coordinates with utilities and stakeholders. |
| Building-Energy Resources Specialist III (Supervisory) | Supervises technical staff in the Building Standards Branch who oversee the development of the CA Energy Code and the CALGreen reach code every three years; and supervises the local reach code program. |
| Building-Electrical Engineer | Technical electrical systems engineer for new and existing buildings for the CA Energy Code. Conducts analyses, makes recommendations, and develops standards. Coordinates with utilities and stakeholders. |
| Building-Mechanical Engineer | Technical mechanical systems engineer for new and existing buildings for the CA Energy Code. Conducts analyses, makes recommendations, and develops standards. Coordinates with utilities and stakeholders. |
| Building-Energy Commission Specialist II | Higher level specialist who oversees the CALGreen code updates and local ordinance program. Technical staff who develops program recommendations and coordinates with local governments. |
| Building-Energy Analyst | Entry level analyst who supports engineers and specialists for CA Energy Code compliance tools and modeling software for new and existing buildings. |

| | |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Standards-Energy Resources Specialist III (Managerial) | Manages supervisors and technical staff in the Standards Compliance Branch who oversee Energy Code compliance by implementing measure verification programs for residential and commercial buildings. Collects project-level data, evaluates and analyses data, and coordinates with building departments and local governments. |
| Standards-Senior Mechanical Engineer | Lead technical mechanical systems engineer for CA Energy Code compliance by implementing measure verification programs for residential and commercial buildings. Conducts analyses, makes recommendations, and develops standards. Collects project-level data, evaluates and analyses data, and coordinates with building departments and local governments. |
| Standard-Electrical Engineer | Technical electrical systems engineer for CA Energy Code compliance by implementing measure verification programs for residential and commercial buildings. Conducts analyses, makes recommendations, and develops standards. Collects project-level data, evaluates and analyses data, and coordinates with building departments and local governments. |
| Standard-Mechanical Engineer | Technical mechanical systems engineer for CA Energy Code compliance by implementing measure verification programs for residential and commercial buildings. Conducts analyses, makes recommendations, and develops standards. Collects project-level data, evaluates and analyses data, and coordinates with building departments and local governments. |
| Standard-Energy Analyst | Entry level analyst who supports engineers and specialists for CA Energy Code compliance programs for residential and commercial buildings. |
| Appliance-Electrical Engineer | Technical electrical systems engineer for flexible demand appliance standards. Conducts analyses, makes recommendations, and develops standards. Coordinates with utilities and stakeholders. |
| Appliance-Mechanical Engineer | Technical mechanical systems engineer for flexible demand appliance standards. Conducts analyses, makes recommendations, and develops standards. Coordinates with utilities and stakeholders. |
| Appliance-Energy Commission Specialist II | Lead specialist for flexible demand appliance standards. Technical staff who conducts analyses, makes recommendations, and develops standards. Coordinates with utilities and stakeholders. |
| Appliance-Energy Commission Specialist III | Highest level specialist assigned to the appliances certification program. Technical staff who develops expert policy solutions for appliance certification and multi-state efforts. |
| Building-Associate Electrical Engineer | Technical electrical systems engineer for CA Energy Code compliance tools and modeling software for new and existing buildings. Coordinates with contractors, utilities, and stakeholders. |
| Building-Associate Energy Specialist | Journey level specialist for the CA Energy Code outreach and education program. Technical staff who develops outreach and education materials, and educates building departments and the building industry on the CA Energy Code, which updates every three years. Coordinates with utilities, building departments, and local governments. |
| Building-Senior Electrical Engineer | Lead technical electrical systems engineer for new and existing buildings for the CA Energy Code. Conducts analyses, makes recommendations, and develops standards. Coordinates with utilities and stakeholders. |

| | |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Standard-Energy Commission Specialist I | Journey level specialist for CA Energy Code compliance by implementing measure verification programs for residential and commercial buildings. Conducts analyses, makes recommendations, and develops standards. Collects project-level data, evaluates and analyses data, and coordinates with building departments and local governments. |
| Standard-Energy Commission Specialist II | Lead specialist for CA Energy Code compliance by implementing measure verification programs for residential and commercial buildings. Conducts analyses, makes recommendations, and develops standards. Collects project-level data, evaluates and analyses data, and coordinates with building departments and local governments. |
| Standard-Associate Energy Specialist | Journey level specialist for CA Energy Code compliance by implementing measure verification programs for residential and commercial buildings. Conducts analyses, makes recommendations, and develops standards. Collects project-level data, evaluates and analyses data, and coordinates with building departments and local governments. |
| Appliance-Energy Commission Specialist I | Journey level specialist who independently performs technical tasks in the appliance certification program. Technical staff who leads moderately difficult tasks and projects, and supports lead technical staff with projects. |
| Appliance-Electric Generation System Specialist I | Journey level electric generation specialist for flexible demand appliance standards. Technical staff who conducts analyses, makes recommendations, and develops standards. Coordinates with utilities and stakeholders. |

Direct Personnel Compensation:

| Position | Salary/Rate | Time | Direct Pay |
|---------------------------------------------------------|--------------|---------------|----------------|
| Appliance-Energy Resources Specialist III (Managerial) | \$136,524.00 | 499.9972 % FT | \$682,616.18 |
| Appliance-Senior Mechanical Engineer | \$136,296.00 | 499.9973 % FT | \$681,476.32 |
| Appliance-Energy Resources Specialist III (Supervisory) | \$129,312.00 | 499.9969 % FT | \$646,555.99 |
| Building-Energy Resources Specialist III (Managerial) | \$130,517.03 | 499.9972 % FT | \$652,581.50 |
| Building-Senior Mechanical Engineer | \$149,664.00 | 499.9975 % FT | \$748,316.26 |
| Building-Energy Resources Specialist III (Supervisory) | \$105,120.00 | 499.9965 % FT | \$525,596.32 |
| Building-Electrical Engineer | \$104,160.00 | 499.9964 % FT | \$520,796.25 |
| Building-Mechanical Engineer | \$116,314.00 | 499.9966 % FT | \$581,566.05 |
| Building-Energy Commission Specialist II | \$95,292.00 | 499.9961 % FT | \$476,456.28 |
| Building-Energy Analyst | \$53,141.03 | 499.9931 % FT | \$265,701.48 |
| Standards-Energy Resources Specialist III (Managerial) | \$136,524.00 | 499.9968 % FT | \$682,615.63 |
| Standards-Senior Mechanical Engineer | \$151,187.00 | 999.9974 % FT | \$1,511,866.07 |
| Standard-Electrical Engineer | \$98,153.03 | 499.9962 % FT | \$490,761.42 |
| Standard-Mechanical Engineer | \$116,304.00 | 499.9967 % FT | \$581,516.16 |
| Standard-Energy Analyst | \$59,412.00 | 499.9937 % FT | \$297,056.26 |
| Appliance-Electrical Engineer | \$96,636.00 | 499.9961 % FT | \$483,176.23 |
| Appliance-Mechanical Engineer | \$142,823.00 | 499.9972 % FT | \$714,111.00 |
| Appliance-Energy Commission Specialist II | \$95,293.00 | 999.9960 % FT | \$952,926.19 |
| Appliance-Energy Commission Specialist III | \$100,116.00 | 499.9962 % FT | \$500,576.20 |
| Building-Associate Electrical Engineer | \$102,771.05 | 499.9964 % FT | \$513,851.55 |
| Building-Associate Energy Specialist | \$65,141.03 | 499.9944 % FT | \$325,701.50 |
| Building-Senior Electrical Engineer | \$142,821.00 | 999.9973 % FT | \$1,428,206.14 |

| | | | |
|---------------------------------------------------|-------------|-------------------------|------------------------|
| Standard-Energy Commission Specialist I | \$97,116.00 | 499.9965 % FT | \$485,576.60 |
| Standard-Energy Commission Specialist II | \$87,630.00 | 499.9961 % FT | \$438,146.58 |
| Standard-Associate Energy Specialist | \$76,700.00 | 498.9963 % FT | \$382,730.16 |
| Appliance-Energy Commission Specialist I | \$87,630.00 | 498.9967 % FT | \$437,270.81 |
| Appliance-Electric Generation System Specialist I | \$97,118.00 | 498.9970 % FT | \$484,615.91 |
| | | Direct Pay Total | \$16,492,367.04 |

2. FRINGE BENEFITS

- a. Are the fringe cost rates approved by a Federal Agency? If so, identify the agency and date of latest rate agreement or audit below, and attach a copy of the rate agreement to the application.

- b. If a. above does not apply, please use this box (or an attachment) to further explain how your total fringe benefits costs were calculated. Your calculations should identify all rates used, along with the base they were applied to (and how the base was derived), and a total for each (along with grand total). If there is an established computation methodology approved for state-wide use, please provide a copy. Also, please fill out the table below with the Fringe Benefits Calculations.

The fringe rate is not the same for everyone – the percentage is an average for the Commission as a whole, at a point in time, taking into account each employee and his/her fringe amount/rate. There are different retirement rates depending on ARP, TIER-1, or TIER-2, there are several different health plan options, not everyone takes health care, not everyone has life insurance, not everyone participates in commute benefits, etc.

Please see document attached to SF-424.

Fringe Benefits Calculations

| Position | Direct Pay | Rate | Benefits |
|---------------------------------------------------------|-------------------|-------------|-----------------|
| Appliance-Energy Resources Specialist III (Managerial) | \$682,616.18 | 42.4401 % | \$289,702.99 |
| Appliance-Senior Mechanical Engineer | \$681,476.32 | 42.4401 % | \$289,219.23 |
| Appliance-Energy Resources Specialist III (Supervisory) | \$646,555.99 | 42.4401 % | \$274,399.01 |
| Building-Energy Resources Specialist III (Managerial) | \$652,581.50 | 42.4401 % | \$276,956.24 |
| Building-Senior Mechanical Engineer | \$748,316.26 | 42.4401 % | \$317,586.17 |
| Building-Energy Resources Specialist III (Supervisory) | \$525,596.32 | 42.4401 % | \$223,063.60 |
| Building-Electrical Engineer | \$520,796.25 | 42.4401 % | \$221,026.45 |
| Building-Mechanical Engineer | \$581,566.05 | 42.4401 % | \$246,817.21 |
| Building-Energy Commission Specialist II | \$476,456.28 | 42.4401 % | \$202,208.52 |
| Building-Energy Analyst | \$265,701.48 | 42.4402 % | \$112,764.24 |
| Standards-Energy Resources Specialist III (Managerial) | \$682,615.63 | 42.4401 % | \$289,702.76 |
| Standards-Senior Mechanical Engineer | \$1,511,866.07 | 42.4401 % | \$641,637.47 |
| Standard-Electrical Engineer | \$490,761.42 | 42.4401 % | \$208,279.64 |
| Standard-Mechanical Engineer | \$581,516.16 | 42.4401 % | \$246,796.04 |
| Standard-Energy Analyst | \$297,056.26 | 42.4402 % | \$126,071.27 |
| Appliance-Electrical Engineer | \$483,176.23 | 42.4401 % | \$205,060.48 |
| Appliance-Mechanical Engineer | \$714,111.00 | 42.4401 % | \$303,069.42 |
| Appliance-Energy Commission Specialist II | \$952,926.19 | 42.4401 % | \$404,422.83 |
| Appliance-Energy Commission Specialist III | \$500,576.20 | 42.4401 % | \$212,445.04 |
| Building-Associate Electrical Engineer | \$513,851.55 | 42.4037 % | \$217,892.07 |
| Building-Associate Energy Specialist | \$325,701.50 | 42.4402 % | \$138,228.37 |
| Building-Senior Electrical Engineer | \$1,428,206.14 | 42.4401 % | \$606,132.11 |
| Standard-Energy Commission Specialist I | \$485,576.60 | 42.4401 % | \$206,079.19 |
| Standard-Energy Commission Specialist II | \$438,146.58 | 42.4403 % | \$185,950.72 |

| | | | |
|---------------------------------------------------|--------------|-----------------------|----------------|
| Standard-Associate Energy Specialist | \$382,730.16 | 42.4403 % | \$162,431.83 |
| Appliance-Energy Commission Specialist I | \$437,270.81 | 42.4403 % | \$185,579.04 |
| Appliance-Electric Generation System Specialist I | \$484,615.91 | 42.4402 % | \$205,671.96 |
| | | Fringe Benefits Total | \$6,999,193.90 |

3. TRAVEL

- a. Please provide the purpose of travel, such as professional conference(s), DOE sponsored meeting(s), project management meeting, etc. If there is any foreign travel, please identify.

| Purpose of Trip | Number of Trips | Cost Per Trip | Total |
|-----------------|--------------------|------------------|-------|
|-----------------|--------------------|------------------|-------|

4. EQUIPMENT - Equipment is generally defined as an item with an acquisition cost greater than \$5,000 and a useful life expectancy of more than one year.

- a. List all proposed equipment below and briefly justify its need as it applies to the objectives of the award.

| Equipment | Unit Cost | Number | Total Cost | Justification of Need |
|-----------|-----------|--------|------------|-----------------------|
|-----------|-----------|--------|------------|-----------------------|

- b. Please provide a basis of cost such as vendor quotes, catalog prices, prior invoices, etc. and justify need. If the Equipment is being proposed as Cost Share and was previously acquired, please provide the source and value of its contribution to the project and logical support for the estimated value shown. If it is new equipment which will retain a useful life upon completion of the project, provide logical support for the estimated value shown. Also, please indicate whether the Equipment is being used for other projects or is 100% dedicated to the DOE project.

5. SUPPLIES - Supplies are generally defined as an item with an acquisition cost of \$5,000 or less and a useful life expectancy of less than one year. Supplies are generally consumed during the project performance.

- a. List all proposed supplies below, the estimated cost, and briefly justify the need for the supplies as they apply to the objectives of the award. Note that all direct costs, including Supply items, may not be duplicative of supply costs included in the indirect pool that is the basis of the indirect rate applied for this project.

| General Category | Cost | Justification of Need |
|------------------|------|-----------------------|
|------------------|------|-----------------------|

- b. Please provide a basis of cost for each item listed above and justify need. Examples include vendor quotes, prior purchases of similar or like items, published price list, etc.

6. CONTRACTS AND SUBGRANTS - Provide the following information for New proposed subrecipients and subcontractors. For ongoing subcontractors and subrecipients, this information does not have to be restated here, if it is provided elsewhere in the application; under Name of Proposed Sub, indicate purpose of work and where additional information can be found (i.e weatherization subgrants, Annual File section IV.1).

| Name of Proposed Sub and Associated Market Title | Total Cost | Basis of Cost* |
|--------------------------------------------------|------------|----------------|
|--------------------------------------------------|------------|----------------|

*For example, Competitive, Historical, Quote, Catalog

7. OTHER DIRECT COSTS - Other direct costs are direct cost items required for the project which do not fit clearly into other categories. These direct costs may not be duplicative of costs included in the indirect pool that is the basis of the indirect rate applied for this project. Examples are: conference fees, subscription costs, printing costs, etc.

a. Please provide a General Description, Cost and Justification of Need.

| General Description | Cost | Justification of Need |
|---------------------|------|-----------------------|
|---------------------|------|-----------------------|

b. Please provide a basis of cost for each item listed above. Examples include vendor quotes, prior purchases of similar or like items, published price list, etc.

8. INDIRECT COSTS

a. Are the indirect cost rates approved by a Federal agency? If so, identify the agency and date of latest rate agreement or audit and provide a copy of the rate agreement.
Energy Commission indirect charges are calculated at 29% of total direct costs for federal appropriated funds and match. The Energy Commission's indirect cost rate for 2022/2023 has been approved by the U.S. Department of Energy.

b. If the above does not apply, indicate the basis for computation of rates, including the types of benefits to be provided, the rate(s) used, and the cost base for each rate. You may provide the information below or provide the calculations separately.

The name and phone number of the individual responsible for negotiating the State's indirect cost rates.

Name: Justin Junio

Phone Number: 9168278743

Indirect costs calculations:

| Indirect Cost Account | Direct Total | Indirect Rate | Total Indirect |
|------------------------------|----------------|----------------------|----------------|
| Standard Efficiency Program | \$6,981,105.00 | 29.0000 % | \$2,024,520.45 |
| Appliance Efficiency Program | \$7,059,326.00 | 29.0000 % | \$2,047,204.54 |
| Building Efficiency Program | \$9,450,737.00 | 29.0000 % | \$2,740,713.73 |
| | | Indirect Costs Total | \$6,812,438.72 |

Intellectual Property Provisions (NRD-821)
Nonresearch and Development

Intellectual property rights are subject to 2 CFR 200.315 (e.g. institution of higher education or nonprofit organizations) or 2 CFR 910.362 (e.g. for-profit).

STATE ENERGY PROGRAM (SEP)
STATE PLAN / MASTER FILE WORKSHEET

(Grant Number: EE0010060, State: CA, Program Year: 2022)

This worksheet should be completed as specified in Section III of the State Energy Program Application Package.

1. Description of State Energy Goals to be Achieved (10 CFR 420.13.b.2)

The California Energy Commission (CEC) is the state's primary energy policy and planning agency, the CEC plays a critical role in creating the energy system of the future and its core responsibilities include: advancing state energy policy, achieving energy efficiency, investing in energy innovation, developing renewable energy, transforming transportation, overseeing energy infrastructure, and preparing for energy emergencies.

CA has myriad of goals to achieve a clean energy future, below are those related to implementation of the SEP:

- AB 32 (2006): CA passed landmark legislation to lower GHG emissions to 1990 levels by 2020. CA met its 2020 goal of reducing GHG emissions economywide to 1990 levels four years ahead of schedule. Emissions from power generation have dropped 44 percent since 2000. These gains are largely attributed to three factors: CA building and appliance energy efficiency standards, increased use of renewable energy (primarily solar), and greatly reduced use of coal-fired power plants.
- SB 350 (2015): Establishes clean energy, clean air, and GHG reduction goals, including reducing GHG emissions to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050.
- SB 350 (2015): Equity: Required CA to develop strategies to overcome barriers for clean energy equity related to access, investment, resilience, and engagement. The CA Public Utilities Commission, along with the CEC, hosts the Disadvantaged Communities Advisory Group (DACAG) to review state clean energy programs and policies to ensure that disadvantaged communities, including Tribal and rural communities, benefit from proposed clean energy and pollution reduction programs. Group members are either from or represent disadvantaged communities. The CEC identified nine indicators to assess energy equity, including: energy efficiency, high energy bills, rooftop solar systems, zero-emission vehicles, abatement of health and safety issues, energy resilience, clean energy jobs, small business contracts, and amount invested in innovation.
- SB 32 (2016): Updates AB 32 from 2006 by raising GHG emissions reduction target to 40 percent below 1990 levels.
- SB 1383 (2016): Sets a goal to cut emissions of highly potent GHGs – mainly methane and hydrofluorocarbon refrigerants – to 40 percent below 2013 levels by 2030.
- AB 1477 (2018): Requires the CA Public Utilities Commission to create a \$50 million annual incentive program to decarbonize energy uses in buildings, with the CEC offering the incentives to buildings of low-income homes.
- AB 3232 (2018): Directed the CEC to develop a plan by 2021 to cut GHG emissions from buildings 40 percent below 1990 levels by 2030. This plan was developed, vetted, and adopted in 2021.
- SB 100 (2018): Increases the 2030 renewables goal from 50 percent to 60 percent and requires all retail electricity to be carbon-free by 2045.
- Executive Order B-55-18 (2018): established a statewide goal to achieve carbon neutrality no later than 2045 and maintain net negative emissions thereafter.
- Executive Order N-79-20 (2020): Phasing out the sale of new gasoline-powered passenger vehicles by 2035. The CEC is focusing on building a statewide infrastructure of charging outlets and hydrogen fueling stations; supporting ZEV job creators and innovators through grants to increase in-state manufacturing; and training and developing a workforce in low-income communities. CA aims to reach 250,000 EV charging ports in CA by 2025. Approximately 1.2 million shared charging ports are needed by 2030.
- AB 33 (2021): Calls on the CEC to provide grants and loans to local governments, public institutions, and Native American Tribes to advance energy efficiency, energy storage, and electric vehicle charging in existing and planning buildings.
- SB 68 (2021): Requires the CEC to provide information to buildings owners, the construction industry, and local governments to help overcome barriers to building electrification and electric vehicle charging.
- AB 1738 (2022): Requires that, by the next triennial edition of the California Building Standards Code, the state enact provisions to require the installation of electric vehicle charging stations in existing multifamily and nonresidential buildings.
- AB 2446 (2022): Requires the state to develop a framework for measuring and reducing carbon intensity in the construction of new residential and nonresidential buildings. Specifically, to develop the framework to achieve a 40 percent net reduction in the carbon intensity of construction and materials used in new construction by 2035, with specified interim goals by 2030.

STATE ENERGY PROGRAM (SEP)
STATE PLAN / MASTER FILE WORKSHEET

(Grant Number: EE0010060, State: CA, Program Year: 2022)

- SB 1020 (2022): Establishes interim targets to reach SB 100 clean energy goals and requires state agencies to purchase 100 percent zero carbon electricity by 2035 to serve their load. Requires a joint-agency energy reliability report.
- SB 1063 (2022): Authorizes the CEC, upon a finding of "good cause," to make effective appliance efficiency standards prior to one year after the adoption of a new or revised efficiency standard.
- SB 1112 (2022): Directs the CEC to identify and apply for federal funding and to leverage state programs that could enable tariff on-bill (TOB) financing. Requires CEC to submit a report to the Legislature by December 1, 2023.

2. Selection of State Goals (10 CFR 420.13.b.2.ii)

State energy goals are mainly developed by state legislative mandates, federal U.S. Department of Energy directives, and CA Governor executive orders. The CEC as the lead energy policy development agency, together with sister agencies, develop and implement standards, policies, and programs to achieve the established state goals. The state energy goals were chosen since they are related to energy efficiency and renewable energy mandates and directives.

3. Measuring Achievement (10 CFR 420.13.b.2.iii)

The CEC will measure achievement of the goals by whether standards, policies, and programs have been developed and implemented as directed. These SEP funds will be used to fund CEC Efficiency Division building standards, appliances standards, and building standards compliance staff who develop standards, policies, and initiatives to advance the stated goals. Building energy efficiency standards, energy and water efficiency appliance standards, and flexible demand appliance standards are measured by the costs and savings expected to be realized by consumers, as well as the energy, water, and GHG emission reductions expected by the new standards.

4. State Strategy (10 CFR 420.13.b.2.iv)

The building and appliance standards, and standards compliance activities included in the State Plan strongly support the stated goals. Since 2000, California has reduced roughly 40 million metric tons of carbon dioxide (CO₂) emissions per year from the electricity sector by aggressively supporting renewable energy generation, supporting energy efficiency, reducing imports of coal-fired generation, and shifting to a decreased reliance on fossil natural gas (Final 2019 Integrated Energy Policy Report Publication Number: CEC-100-2019-001-CMD. <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2019-integrated-energy-policy-report>). These gains are largely attributed to CA's building energy efficiency standards and appliance standards.

The following strategies are planned to be conducted or evaluated. Additional strategies will be incorporated annually during the CEC Efficiency Division work plan process that aligns with the CA state budget process.

APPLIANCES (pre-rulemaking and/or rulemaking)

Energy Efficiency Appliance Standards (evaluate)

Air filters

Air purifiers

Commercial food service equipment

Commercial and industrial fans and blowers

General service fluorescent lamps

Linear LED lamps

Portable luminaires

Variable frequency drives

Water Efficiency Appliance Standards (evaluate)

STATE ENERGY PROGRAM (SEP)

STATE PLAN / MASTER FILE WORKSHEET

(Grant Number: EE0010060, State: CA, Program Year: 2022)

Dipper wells

Landscape irrigation controllers

Toilets

Flexible Demand Appliance Standards (evaluate)

Behind the meter batteries

Electric vehicle service equipment

Electric storage water heaters

Pool controls

Thermostats

BUILDINGS

Building Energy Efficiency Standards

2019 Energy Code – continue implementation

2022 Energy Code – implement requirements effective January 1, 2023

2025 Energy Code – develop updated code requirements for residential, nonresidential, and multifamily buildings, as well as emphasis the CALGreen voluntary reach code

Standards Compliance

2019 and 2022 Energy Code – develop and implement code compliance tools and policies

5. 25% or more improvement in the efficiency of use of energy by 2012 (1990 baseline) (10 CFR 420.13..b.3)

N/A – Per the SEP Operations Manual, this is no longer relevant for the application, and no further action is required.

6. Mandatory Activities (10 CFR 420.13.b.4.v and 15)

The CEC is conducting these mandatory activities under the IIJA SEP award:

Mandatory lighting efficiency standards for public buildings

The building energy efficiency standards and appliance standards include energy efficiency lighting requirements for new and existing public buildings. The CEC coordinates with the CA Department of General Services to ensure public buildings meet the Energy Code and appliance standards requirements.

Program activities to promote the availability and use of carpools, van pools, and public transportation

These policies are part of local government climate action plans supported by the CEC and local ordinances supported by the CEC's CALGreen voluntary reach code. The state of CA and the CEC implement programs to promote ridesharing, vanpools, bike lanes, and other transportation measures for its employees and the public.

Mandatory standards and policies to improve energy efficiency of state and local procurement practices

STATE ENERGY PROGRAM (SEP)

STATE PLAN / MASTER FILE WORKSHEET

(Grant Number: EE0010060, State: CA, Program Year: 2022)

Procurement practices are mandated by the state of CA through the Department of General Services. The CEC incorporates energy efficiency criteria into competitive contract, grant, and loan solicitations when appropriate.

Mandatory thermal efficiency standards for new and renovated state and local buildings

The building energy efficiency standards include thermal efficiency requirements for new and existing buildings.

A traffic law or regulation that permits the operator of a motor vehicle to make a right turn at a red traffic light after stopping and a left turn from a one-way street to a one-way street after stopping

Existing California law allows for "right turn on red" and left turns at red lights from one-way streets onto one-way streets after stopping.

Procedures must exist for ensuring effective coordination among various local, state, and federal energy efficiency, renewable energy, and alternative transportation fuel programs within the state...

The CEC extensively coordinates with other state, local, and federal agencies related to energy efficiency, renewable energy, and alternative transportation fuels. This coordination supports each agency's mandates and the state's overarching clean energy goals. CEC invites participation in public workshops and working groups to ensure coordination is transparent and on the record.

Support transmission and distribution planning, including:

- Support for local governments and Indian Tribes
- Feasibility studies for transmission line routes and alternatives
- Preparation of necessary project design and permits
- Outreach to affected stakeholders

Since the restructuring of California's electric industry in the late 1990s pursuant to Assembly Bill 1890 (AB 1890, Brulte, Chapter 854, Statutes of 1996), electric infrastructure planning in California has been split among the California Energy Commission (CEC), California Public Utilities Commission (CPUC), and California Independent System Operator (CAISO) (collectively the "energy agencies"). Legislation modifying electricity planning responsibilities of both the CEC and CPUC was passed in 2002. Three major cyclical processes form the core of electric infrastructure planning: long-term forecast of energy demand produced by the CEC as part of its biennial Integrated Energy Policy Report (IEPR) [1]; Integrated Resource Plan and Long-Term Procurement Plan proceedings (IRP-LTPP) conducted by the CPUC [2]; and the Annual Transmission Planning Process (TPP) performed by the CAISO [3].

These are open public processes that include multiple opportunities for public and stakeholder participation. In addition, the CEC has also conducted multiple landscape-scale collaborative planning processes to help meet California's renewable energy mandates and climate goals. These landscape-scale planning processes take into consideration a wide range of potential constraints and conflicts including environmental sensitivity, agricultural and other land uses, Tribal cultural resources, access to transmission line routes and alternatives, and more. They also support environmental, conservation, land use, and transmission planning efforts intended to guide responsible renewable energy and transmission infrastructure development. Through these planning processes, including the Renewable Energy Transmission Initiatives (RETI), the joint Renewable Energy Action Team (REAT) agency work on the Desert Renewable Energy Conservation Plan (DRECP), and the stakeholder-led San Joaquin Least Conflict solar process, California agencies, local, state, and federal governments, Native American Tribes, and U.S. Department of Energy stakeholders have helped identify the best areas for renewable energy development and new or expanded transmission lines and transmission corridors.

Beyond the long-term forecast of energy demand as part of the IEPR process noted above, the CEC's role in transmission and distribution planning is limited to the development of load forecasts and the identification of potential resource locations. These forecasts are the basis for long-range transmission planning. Identification of resource areas through multiple landscape-scale collaborative planning processes involves outreach to and input from various stakeholders, including the public, local governments, and Tribal representatives. Results of these planning processes have informed the development of transmission projects and alternative routes and can ultimately assist in the preparation of project design and permitting, which occurs later at the CPUC.

The 100 Percent Clean Energy Act of 2018 (SB 100, De Leon, Chapter 312, Statutes of 2018) establishes a target for renewable and zero-carbon resources to supply 100 percent of retail sales and electricity procured to serve all state agencies by 2045. SB 100 requires the CEC, CPUC, and California Air Resources Board (CARB) to develop and submit a joint-agency report to the CA Legislature by January 1, 2021, and at least every four years thereafter. The final SB 100 Joint-Agency Report [4] published on March 15, 2021, recommends updates of land use information to reflect the increased resource requirements of SB 100; to further consider the potential impact of emerging resources and technologies; and to integrate into SB 100 planning the social costs and non-energy benefits of land-use impacts, public health, air quality, water supply and quality, economic impacts, and resilience.

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Following the release of the SB 100 Joint Agency Report in March 2021, the CEC, CPUC, and CAISO initiated a collaborative planning process to focus on the resource build requirements to achieve SB 100. [5] One of the priorities for the SB 100 collaborative planning process was to inform the CAISO's recently initiated 20-Year Transmission Outlook [6], which explored longer-term grid requirements and resource options for meeting the state's greenhouse gas reduction goals. The potential resource opportunities include diverse resources that will require transmission development, such as offshore wind energy and out-of-state resources, but also natural gas power plant facility retirements that may require transmission development, such as offshore wind energy and out-of-state resources, but also natural gas power plant facility retirements that may require transmission development to reduce local area constraints. Through the SB 100 collaborative planning process, the state is working to understand what transmission development would be required to make any one of these elements possible, allowing the state to further refine resource planning that occurs in the CPUC's IRP-LTTP and the CAISO's TPP processes.

California is also collaboratively planning for floating offshore wind generation, a potential source of renewable energy that could diversify the state's energy portfolio, play a significant role in achieving SB 100 goals, and provide both good paying jobs and statewide economic benefits. Floating offshore wind energy projects are complex and will require close coordination between the Bureau of Ocean Energy Management (BOEM), the State of California, and other federal and local agencies and Tribal governments. The Intergovernmental Renewable Energy Task Force (Task Force) [7] was established in 2016 to help facilitate this coordination, and includes representatives from federal, state, local, and federally-recognized Tribal governments working together to identify opportunities for renewable energy leasing and development through coordination with the Task Force, and an extensive stakeholder outreach and engagement process. BOEM has identified two areas, one off the north coast and one off the central coast, for additional evaluation of floating offshore wind development.

Further, Assembly Bill 525 (AB 525, Chiu, Chapter 231, Statutes of 2021), requires the CEC, in coordination with federal, state, and local agencies and a variety of stakeholders, to develop a strategic plan for offshore wind energy developments in federal waters and submit it to the California Natural Resources Agency (CNRA) and the CA Legislature no later than June 30, 2023. AB 525 requires the CEC to complete three interim reports to inform the strategic plan. The first of the reports [8] evaluates and quantifies the maximum feasible capacity of offshore wind to achieve reliability, employment, and decarbonization benefits and to establish offshore wind planning goals for 2030 and 2045. The other two interim reports are due on or before December 1, 2022. One report will assess the economic benefits of offshore wind as they relate to seaport investments and workforce development needs and standards; the other will provide a permitting roadmap that describes time frames and milestones for a coordinated, comprehensive, and efficient permitting process for offshore wind energy facilities and associated electricity and transmission infrastructure. In addition to information from these reports, the strategic plan will include an identification of seaport and harbor facilities that can support offshore wind development, and assessment of transmission planning to incorporate offshore wind energy, and an evaluation of potential impacts on coastal resources, fisheries, Native American and Indigenous peoples, and national defense, and strategies for addressing those potential impacts.

[1] For more information, see: <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report>

[2] For more information, see: <https://www.cpuc.ca.gov/irp/>

[3] For more information, see: <http://www.caiso.com/planning/Pages/TransmissionPlanning/Default.aspx>

[4] For more information, see: <https://www.energy.ca.gov/sb100>

[5] For more information, see: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?doctetnumber=21-SIT-01>

[6] For more information, see: <http://www.caiso.com/InitiativeDocuments/Draft20-YearTransmissionOutlook.pdf>

[7] For more information, see: <https://www.boem.gov/renewable-energy/state-activities/california>

[8] For more information, see: <https://www.energy.ca.gov/publications/2022/offshore-wind-energy-development-california-coast-maximum-feasible-capacity-and>

7. Environmental Impact (10 CFR 420.13.b.5)

The State Plan includes development of many building and appliance standards. The state of CA requires that for each proposed standard an environmental impact analysis be conducted. The CEC assesses the environmental impacts of the proposed standard by describing the scope and statewide impacts to greenhouse gas emissions, public health, and local air pollutants. The results of the analysis will determine whether a notice of exemption, a negative declaration, or an environmental impact report will be developed.

8. Supplementing Weatherization, if applicable (10 CFR 420.13.b.6)

The CEC will not use IIJA SEP funds to supplement weatherization programs. The CA Department of Community Services & Development administers

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federally-funded weatherization programs.

9. Supplementing State/Local Funds (10 CFR 420.13.b.7)

The CEC has established policies and procedures designed to ensure that federal financial assistance for the State Plan will be used to supplement, and not to supplant, state and local funds. The U.S. DOE annual SEP has been used since 1979 primarily to support CEC technical staff positions to develop and implement building energy efficiency standards and energy/water efficiency appliance standards. The IJJA SEP State Plan continues to support technical staff developing and implementing building and appliance standards and expands its use for staff that develop and implement flexible demand appliance standards and standards compliance activities.

10. Compliance with Laws and Regulations (10 CFR 420.13.b.8)

The state of CA will comply with all applicable statutes and regulations in effect with respect to the period for which the state receives grant funding. In addition, to ensure subrecipient compliance, a copy of 2 CFR part 200 as amended by 2 CFR part 910 is incorporated into all subgrants, and all subgrants contain the following statement.

Any federal, state, and local laws and regulations applicable to your project not expressly listed in this agreement are incorporated herein as part of this agreement.

11. Energy Emergency Plans (10 CFR 420.13.b.9)

See CEC certification letter related to the energy emergency plan requirement.

The CEC supports the state's emergency response efforts by gathering and analyzing critical information, maintaining subject specific technical expertise, and coordinating contingency planning activities with key stakeholders. In support of the California Governor's Office of Emergency Services (Cal OES) and the California Independent System Operator (CAISO) response efforts, the CEC monitors the activities of the petroleum sector and provides strategic analysis. Furthermore, agency leadership advises the Governor on the nature, extent, and duration of energy emergencies and appropriate state responses.

The CEC's Petroleum Fuels Set Aside Program is also responsible for ensuring fuel supplies are available to emergency responders during a widespread or prolonged shortage. Upon activation by the Governor via executive order, the Fuels Set Aside Program authorizes the CEC, in cooperation with Cal OES, to instruct petroleum storage facilities to hold and redirect fuel for use in disaster response and recovery efforts. Fuel held and redirected by this program is sold at market rates in transactions between suppliers and purchasers.

The CEC in its role as the state's primary energy policy and planning agency supports emergency response efforts by serving as a central source of credible and timely information on emergency impacts to the state's energy infrastructure. Support activities include planning for shortages and major crises affecting the availability of electricity, natural gas, and petroleum fuels; assisting local governments with energy resiliency planning; and encouraging reduced energy demand during emergencies.

The CEC is responsible for developing CA's strategy for responding to the loss of energy supply due to a natural disaster or a significant geopolitical event, as determined in the various CA Emergency Plans. The plans provide a management and operational structure that identifies the functional relationships that must exist to ensure effective identification, response, and recovery from an energy emergency.

California ISO System Operations Emergency Plan, effective 11/03/2022

<https://www.caiso.com/Documents/4100.pdf>

California ISO Emergency Notifications Fact Sheet (09/2022)

<https://www.caiso.com/Documents/Emergency-Notifications-Fact-Sheet.pdf>

2021 Joint Agency CAISO Balancing Authority Area Electric Reliability Contingency Plan (<https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/reliability-assessments>); [August 2021 Joint Agencies Contingency Plan ADA.pdf](#)

California 2014 Energy Assurance Plan

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(The plan is currently posted on ISENet <https://www.oe.netl.doe.gov/ISERNET/index.aspx>)

The CEC submitted the State Energy Security Plan in September 2022.

12. Monitoring Approach (Annual SEP Guidance)

IIJA SEP Monitoring Approach for Technical Staff Positions

- CEC will monitor IIJA fund spending through tracking of staff positions and ensuring that vacancies are filled. The CEC will review the IIJA SEP staff plan to remedy any inconsistencies or irregularities on a regular and ongoing basis.

Ongoing ARRA funds Monitoring Approach

- CEC will continue reporting ARRA funds on the NEPA log.
- The CEC will monitor projects via Commission Agreement Managers; Contracts, Grants and Loans Office staff; and Accounting Office staff. Their responsibilities are as follows:
 - Commission Agreement Managers (CAM)
CEC technical staff manage each grant, loan, or contract. Staff are responsible for selecting and managing projects which meet program criteria, assisting grant and loan recipients with technical questions, ensuring reports are accurate and submitted in a timely manner, and ensuring the project is proceeding as approved, planned, and scheduled.
 - Contracts, Grants and Loans Office (CGL)
CGL staff prepare and process documents, approve payment requests, answer nontechnical questions, and ensure agreements are executed and carried out in accordance with state and federal law, program regulations, policy, and procedures.
 - Accounting Office (AO)
The AO staff process invoices and payments and maintain fiscal records for each grant or loan.
 - Information Technology Services Branch (IT)
IT staff maintain the CGL database, which contains up to date data on each contract, grant, and loan. This program generates loan agreements, promissory notes, invoices, project status inquiry letters, amortization schedules, etc. In addition, it tracks specific details relating to SEP-funded projects.
- The CEC continued financing program(s) established under SEP ARRA Grant DEEE0000221 per SEP Guidance Series 10008. This Guidance Series outlines the continuing administration and reporting required. No dollars have been transferred from the ARRA award to the Annual award as the dollars were expended during the period of performance of the ARRA award. Monitoring information on the programs, including the scope and quarterly financial information, can be found in the Financial Programs Report, submitted quarterly as part of The CEC's SEP Annual grant quarterly reporting requirements.

References on Loan Defaults, Collections, and Write-offs

Starting with statutes, the California Government Code section 16580 et seq indicates:

16580.

This chapter shall be known and may be cited as the Accounts Receivable Management Act.

16581.

“Participant” for the purposes of this chapter means all state agencies, departments, and offices.

16582.

Within the uniform state payroll system, the Controller may, for each participant, disregard errors of twenty five dollars (\$25) or less in individual accounts receivable, if he or she has determined that time and expense will be saved in doing so.

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16583.

- (a) Each participant shall allocate collection resources based on giving highest priority to those accounts with the highest expected return.
- (b) Each participant shall consult with the Franchise Tax Board or any other state agency that has successfully established an effective accounts receivable collection system.

16583.1.

A participant may impose a reasonable fee, not to exceed the actual costs, to recover the participant's collection costs on a past due account.

16583.2.

- (a) A participant shall submit an annual report to the Controller of the participant's accounts receivables and discharged accounts.
- (b) The Controller shall inform a participant, not less than 60 days before the annual report is required to be submitted to the Controller, of both of the following:
- (1) The format for the annual report.
 - (2) The submission date for the annual report.

16584.

- (a) A participant may enter into a contract with a private debt collector or private person or entity for the assignment or sale of all or part of its accounts receivable, provided that the participant does all of the following:
- (1) Determines the assignment or sale is likely to generate more net revenue or net value than equivalent state efforts.
 - (2) Determines the assignment or sale will not compromise future state revenue collections.
 - (3) Notifies the debtor in writing at the address of record that the alleged accounts receivable debt will be turned over for private collection unless the debt is paid, or appealed within a time period, as determined by the participant.
- (a) No participant shall enter into a contract for the assignment or sale of any accounts receivable pursuant to subdivision (a) if the accounts receivable debt has been contested.
- (b) Any contract entered into pursuant to this section is subject to Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code.

Moving from statutes to state policy, the California State Administrative Manual (SAM) includes the following sections.

ACCOUNTS RECEIVABLE 8776

An accounts receivable (AR) is defined as a claim against a debtor, such as a person, business, or governmental entity for money owed to the state. An invoice or other document requesting payment will be prepared. The invoice shall be sent to the debtor as soon as practical and within 30 days after the event giving rise to the AR. Invoices shall include a date for which payment is due. The AR shall be considered delinquent if payment is not received by the due date. Departments may also consider the postmark date to determine if an AR is delinquent.

Departments must ensure prompt and ongoing action is taken for the collection of ARs. See SAM section 8776.6.

Characteristics common to all ARs:

- Legal authority exists to bill for the amount owed.
- Amount due is derived from an arithmetical calculation, schedule of fees, or other method to arrive at the amount.
- Sufficient documentation exists to support the AR. For example, the department must have the debtor name and an invoice or other document identifying the amount owed.

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Departments must ensure staff are provided AR training on an ongoing basis. As a resource, the Accounts Receivable Toolkit provides departments with guidelines and further information for managing their ARs. The toolkit is available on the Department of Finance's website at http://www.dof.ca.gov/accounting/fscu/documents/Accounts_Receivable_Toolkit.pdf.

Recording ARs

Departments must ensure ARs are recorded promptly and accurately into the accounting system. The general guideline for recording ARs promptly is within 30 days after the date that the AR arose. For employee payroll ARs, the departments should ensure their human resources unit notifies the accounting office timely to meet the 30day guideline for recording ARs.

When ARs are collected, the collections will generally be classified as abatements, reimbursements, revenue, or refunds to reverted appropriations. See SAM sections 7620 and 10407 10416 for general ledger account descriptions and 10506 for the standard journal entry. Prepayments of ARs should be treated as revenue received in advance or as a liability until the transaction is completed (e.g., revenue is earned). See SAM section 10507 for the standard journal entry.

Reconciling ARs

Departments will review and reconcile ARs in the accounting system to ARs recorded by the State Controller's Office (SCO) and/or those ARs maintained in departmental records (e.g., program records, payroll records, etc.). AR reconciliations will be prepared monthly within 30 days of the preceding month. Periodic reviews of the AR reports should be performed monthly to ensure there is ongoing collection activity.

Documenting and Retaining ARs

Departments must ensure proper recordkeeping is maintained. All efforts made toward the collection of receivables should be documented to include the dates and types of collection effort (e.g., letters, offset, phone calls, emails).

AR source documents (e.g., invoices), documentation of collection efforts, and documentation of payments and any adjustments should be retained for at least four years after the receivable has been paid.

Contingent ARs

Contingent ARs are those ARs for which there is some uncertainty of the legal obligation but have a prospect of a favorable settlement. Generally, a contingency involves some future determination, e.g., judgment or settlement. Contingent ARs will be recorded in the accounting records at the time the AR arises, as follows:

- Debit: 1380 Contingent Receivables
- Credit: 1600 Provision for Deferred Receivables
- Contingent ARs will be reversed if reclassified to another AR type (e.g., AR Revenue). This may occur when either a judgment or settlement is made, or the disputed amount has been finalized. Also, it may be appropriate to reclassify an AR to a contingent AR. Such reclassification should be based upon the degree of uncertainty associated with the validity or amount of the AR. The reclassification should not be based solely on a debtor's action to contest an AR.

Reclassifying or Adjusting ARs

Departments must perform an analysis on their ARs to verify the correct amounts are recorded. ARs should be reclassified or adjusted in certain situations:

- Legal authority does not exist to bill for the amount owed.
- Sufficient documentation does not exist to substantiate the AR (e.g., debtor name and an invoice or other document identifying the amount owed).
- Validity or amount of the AR is disputed.

Departments may reclassify, increase, or decrease the amount of an AR to correct the classification or amount owed by making an adjusting entry. Note that an appropriate description of why the adjustment is made must be documented.

Department Responsibilities at Year End

At year end, departments are responsible for ensuring AR balances are accurate:

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- Assess the amounts owed to the department, including estimates, and when the amounts are expected to be collected.
- Record accrual entries for amounts owed to the department on June 30, but not yet recorded. See SAM sections 10602 and 10610.
- Record entries to reclassify existing ARs when an appropriation reverts. See SAM section 10603.
- Record adjusting entries to reduce AR balances for deferred amounts. The deferred amount is the portion not expected to be collected in the next fiscal year.

See SAM section 10610.

NONEMPLOYEE ACCOUNTS RECEIVABLE 8776.6

Each department will develop collection procedures that will assure prompt follow up on receivables. Departments will use the following procedures and guidelines for the collection of amounts owed to the state from nonemployees. These procedures are in accordance with the Accounts Receivable Management Act as provided in Government Code (GC) sections 16580 through 16586.

Locating Debtor

When the address of the debtor is unknown, departments will attempt to obtain a current address. Departments may use Internet search engines and/or a data research service. Departments should perform a cost benefit analysis to determine if procuring services to locate debtors would be cost beneficial. Another alternative is to request the debtor's address from the Department of Motor Vehicles by completing a Gov't Agency Request for Driver License/Identification Record Information form, INF 254. For this alternative, the debtor's date of birth or driver's license/identification number is required.

Collection Letters

Departments are advised to use collection practices that are cost effective and consistent with their program goals and legal authority. Three documented letters should be made to collect on nonemployee delinquent accounts. However, departments have the option of making one documented letter before proceeding to the discharge of accountability process for nonemployee accounts receivable of \$25 and under. This threshold applies to the total amount owed by the debtor, not to each invoice. The Discharge of Accountability section below provides more information regarding this process.

For the collection letter process, the department will send a sequence of three collection letters at a minimum of 30 day intervals. If a reply or payment is not received within 30 days after sending the first letter, the department will send a second letter. This follow up letter will reference the original request for payment letter and will be stated in a stronger tone. If a response is still not received from the debtor, a third letter will be sent 30 days later. This last letter will include references to prior letters and will state what further actions, including collection fees, may be taken in the collection process.

Collection Fee

GC section 16583.1 allows departments to charge a reasonable fee, not to exceed the actual costs incurred by the department, to recover the department's collection costs on past due ARs.

If a department plans to recover costs pursuant to this section, departments should consider actual costs incurred, including, but not limited to, staff time to send out collection letters, postage, equipment costs, and contingency fees for private collectors.

Departments will record this fee as revenue, Source Code 162100, Delinquent Receivables – Cost Recoveries.

Collection Actions Review

If the three collection letters are unsuccessful, departments will prepare a cost benefit analysis to determine the most efficient and effective collection method by initiating one or more of the following actions:

1. Offset Procedures—An offset, is the interception and collection from amounts owed by other state departments to the debtor. For more offset information, see SAM section 8790.
2. Court Settlements—There may be instances where it would be cost effective for departments to seek court judgments against debtors. Departments should consider the possibility of filing action in small claims courts. For larger sums, department counsel should be consulted for advice.
3. Collection Agencies—Departments may consider contracting with another department that has a collection unit or with an outside collection agency.

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The State Contracting Manual, the Public Contract Code section applicable to contracts for services, and GC section 19130 should be reviewed when a department is considering contracting with a collection agency. Any contract made with a collection agency must specify that all funds collected on behalf of a department will be remitted to that department. The collection agency can then be paid in one of several ways for its services by a set fee per collection, on an hourly basis, or on a percentage basis, in arrears, based on services rendered.

Prior to assigning the debt to a collection agency, departments are required by law to notify the debtor in writing at the address of record that the alleged AR debt will be turned over for private collection unless the debt is paid or appealed within a specified time period.

Sale of ARs—Departments are authorized to sell ARs to private persons or entities. Departments will record the net income from the sale in their accounting records. Specific accounting entries for the sale of ARs are detailed in SAM section 10536, Standard Entry No. 36.

Prior to selling the debt, departments are required by law to notify the debtor in writing, at the address of record, that the alleged AR debt will be turned over for private collection unless the debt is paid or appealed within a specified time period.

Departments will select the collection actions that are likely to generate the highest net income and do not compromise future state income collections. In addition, departments should consult with the Franchise Tax Board or any other state department that has successfully established an effective AR collection system to develop methods for improving their collection rate.

Discharge from Accountability

If all reasonable collection procedures do not result in payment, departments may request discharge from accountability of uncollectable amounts due from private entities. Departments will review their AR, no less than quarterly, to identify receivables for discharge. If departments have identified receivables for discharge, departments will file an Application for Discharge from Accountability form, STD. 27, with the SCO, Division of Accounting and Reporting. Applications for Discharge from Accountability of uncollectable amounts of more than \$10,000 will be filed separately from applications for amounts of \$10,000 or less. The \$10,000 amount applies to the total of all amounts owed by the debtor, not to each invoice. The application for discharge shall include:

1. Statement of the nature of the amount due
2. Name(s) of the person(s) liable
3. Estimated cost of collection
4. Any other fact(s) supporting the request, including offset attempts (See SAM section 8790)
5. If the discharge from accountability is due to bankruptcy, the supporting documentation must include a copy of the court's final discharge of the debtor and evidence that the specific department is included in the petition for bankruptcy.
6. Signature, phone number, printed name, and title of person completing the STD. 27
7. Signature, printed name, and title of manager authorizing the STD. 27

The individual authorizing the Application for Discharge from Accountability should be at a level at least equivalent to that of manager of the accounting office.

For accounts receivable amounts of \$500 or less, GC section 13943.2 provides that upon written authorization by the California Victim Compensation and Government Claims Board (VCGCB), state departments may refrain from collecting amounts of \$500 or less. The \$500 limitation applies to the total of all amounts owed by the debtor, not to each invoice.

Departments must request approval from the VCGCB for the authorization to discharge from accountability for collecting accounts receivable of \$500 or less. When requesting approval from the VCGCB, departments must certify the following in their letter:

1. Attempts to collect these ARs are in accordance with SAM section 8776.6
2. Will discharge only those debts that have been determined uncollectible or it is not cost beneficial to continue pursuing collection
3. Understands the discharge from accountability does not release the debtor from the debt owed to the state

An example of what should be included in the request letter is available on the Accounts Receivable Toolkit at: <http://www.dof.ca.gov/accounting/fscu/>. Questions regarding this authorization should be directed to the VCGCB, Government Claims Program, at (916) 491 3700 or toll free (800) 955 0045. Departments who do not obtain approval from the VCGCB shall apply for discharge from accountability with the SCO, as indicated above.

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The California State Universities must refer to Education Code section 89750.5 for application limitations.

RECOVERING RECEIVABLES FROM ANOTHER STATE DEPARTMENT 8776.8

Pursuant to GC section 11255, departments that provide services to another department may recover outstanding receivables by initiating a Transaction Request (TR) form (CA 504) with the State Controller's Office (SCO) to transfer funds from the debtor department. This option shall be used on a limited basis and only when the following conditions are met: (1) the invoice was not paid by the requested due date, (2) nonpayment provisions are included in the interagency agreement between the departments, (3) the invoice has not been disputed, and (4) a 30 day notice has been provided to the debtor department that a transfer of funds will be initiated for nonpayment.

Interagency Agreements

Include the following when preparing interagency agreements:

- Specify the process for nonpayment.
- Cite GC section 11255 as the authority for processing a TR.
- The department receiving the services (or debtor department) shall provide the appropriation to charge if payment is not made timely. This appropriation data must include: fund number, organization code, fiscal year, reference, and category or program. If applicable, also include element, component, and task.
- It is the responsibility of the department providing the services to ensure that no disputes exist prior to submitting a TR to the SCO.

Submission Requirements to the SCO

On the TR, indicate the debtor department's appropriation data to charge, as identified in the interagency agreement, and the initiating department's appropriation data to credit the payment. In the Legal Authority and Reason for Request box, indicate the items below:

- Authority for initiating the transfer: GC section 11255
- Interagency agreement number
- Invoice numbers and dollar amounts for which you are requesting a transfer

Attached to the TR, departments must also submit a copy of the following:

- Notification sent to the department that the transfer of funds will occur,
- Interagency agreement, and
- Applicable invoice(s). It is permissible to submit a list of the invoices, in lieu of the invoice copies, when there are more than five invoices.

The TR and attachments must be submitted to the SCO at the following address:

State Controller's Office

Division of Accounting and Reporting

State Accounting Section, Fund Accounting Unit

3301 C Street, Suite 760

Sacramento, CA 95816

OFFSETS 8790

Offsetting is the process where an amount owed to a debtor is used to pay an outstanding account of the debtor. Before offsetting, departments must ensure

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collection procedures have been followed in accordance with SAM Sections 8776.6. In addition, prior to offset, departments must notify the debtor and provide them with an opportunity to present any valid objection to use of the offset procedure.

The different types of offsets available to state departments are:

- Internal offsets within a department. Departments should collect outstanding advances from separating employees by offsetting their final paycheck from the department. Similarly, when a vendor has both a credit invoice and an overdue receivable, the credit invoice that may otherwise create a refund should be offset by the amount the vendor owes to the department.
- Franchise Tax Board (FTB) Intercept Program – Individuals who have outstanding debts to the state may also receive FTB refunds, California State Lottery winnings, or Unclaimed Property. FTB has an Interagency Intercept Collections Program to intercept or "offset" these funds and pay the individuals' debts to participating departments, if departments have a social security number for the debtor. This collection method should be used after three collection letters have not resulted in payment. For more information regarding this program, departments may contact the FTB Interagency Intercept Collections' Unit at (916) 8455344.
- Offsets against payments among departments – The taxing departments (FTB, Board of Equalization, and the Employment Development Department) regularly offset refunds for outstanding debts among taxing departments. Nontaxing departments that become aware that another state department will be issuing payment to a debtor that owes their department should contact the other department to initiate the offset of the payment. The issuing department's payment should be reduced (offset) by the amount owed the debtor department when scheduling a direct payment through the claim schedule process. A separate no warrant claim schedule should be submitted for the offset amount to transfer that amount to the debtor department. See SAM section 8776.8 for recovering receivables from another state department.
- Offsets against payments to local governments – The State Controller's Office (SCO) allocates money to cities and counties. These payments may be offset in limited situations. The majority of these payments are for specific purposes for example highway funds and public safety and any request to offset these payments must be for the same purpose. One possible option is the ability to offset Motor Vehicle License Fee apportionments. Any department requesting an offset must provide documentation to the SCO demonstrating the department meets the provisions of SAM Section 8776.6. Each offset will be reviewed on a case by case basis by the SCO. For assistance in determining if offsets are feasible, departments may contact the SCO, Division of Accounting and Reporting at (916) 3271714.

Moving from the California State Administrative Manual, the California Department of Finance has published a document, "Accounts Receivable Toolkit," to assist agencies with handling accounts receivable. This toolkit can be found at:

http://www.dof.ca.gov/accounting/fscu/documents/Accounts_Receivable_Toolkit.pdf

Page 10 of this toolkit begins a section that discusses the process for discharging uncollected debts.

The California Franchise Tax Board has an "intercept" program as detailed in the following handbook:

http://www.dof.ca.gov/accounting/fscu/documents/FTB_Intercept_Handbook.pdf

This program can offset debts owed to state agencies by withhold amounts the state owes to debtor entities, such as state tax refunds.

Lastly, some CEC revolving loan programs are created by other entities and funded by the CEC. The terms and conditions of these programs and the entities' procedures for collection and offsetting can also affect the processes for loan defaults, collections, and write offs.

PMC-ND
(1.08.09.13)

U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY
NEPA DETERMINATION



RECIPIENT: State Energy Program - Weatherization and Intergovernmental Programs **STATE:**
Office(WIPO)Recipients with a DOE executed Historic Preservation Programmatic **CO**
Agreement

PROJECT TITLE State Energy Program - Program Year 2022 - IIJA Provision 40109 -Administrative and Legal
Requirements Document (ALRD)

Funding Opportunity Announcement Number **Procurement Instrument Number** **NEPA Control Number** **CID Number**
SEP-IIJA ALRD SEP-IIJA-ALRD-2022A GFO-SEP-IIJA-ALRD-2022A

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:

Description:

| | |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A9 Information gathering, analysis, and dissemination | Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.) |
| A11 Technical advice and assistance to organizations | Technical advice and planning assistance to international, national, state, and local organizations. |
| B2.2 Building and equipment instrumentation | Installation of, or improvements to, building and equipment instrumentation (including, but not limited to, remote control panels, remote monitoring capability, alarm and surveillance systems, control systems to provide automatic shutdown, fire detection and protection systems, water consumption monitors and flow control systems, announcement and emergency warning systems, criticality and radiation monitors and alarms, and safeguards and security equipment). |
| B5.1 Actions to conserve energy or water | (a) Actions to conserve energy or water, demonstrate potential energy or water conservation, and promote energy efficiency that would not have the potential to cause significant changes in the indoor or outdoor concentrations of potentially harmful substances. These actions may involve financial and technical assistance to individuals (such as builders, owners, consultants, manufacturers, and designers), organizations (such as utilities), and governments (such as state, local, and tribal). Covered actions include, but are not limited to weatherization (such as insulation and replacing windows and doors); programmed lowering of thermostat settings; placement of timers on hot water heaters; installation or replacement of energy efficient lighting, low-flow plumbing fixtures (such as faucets, toilets, and showerheads), heating, ventilation, and air conditioning systems, and appliances; installation of drip-irrigation systems; improvements in generator efficiency and appliance efficiency ratings; efficiency improvements for vehicles and transportation (such as fleet changeout); power storage (such as flywheels and batteries, generally less than 10 megawatt equivalent); transportation management systems (such as traffic signal control systems, car navigation, speed cameras, and automatic plate number recognition); development of energy-efficient manufacturing, industrial, or building practices; and small-scale energy efficiency and conservation research and development and small-scale pilot projects. Covered actions include building renovations or new structures, provided that they occur in a previously disturbed or developed area. Covered actions could involve commercial, residential, agricultural, academic, institutional, or industrial sectors. Covered actions do not include rulemakings, standard-settings, or proposed DOE legislation, except for those actions listed in B5.1(b) of this appendix. (b) Covered actions include rulemakings that establish energy conservation standards for consumer products and industrial equipment, provided that the actions would not: (1) have the potential to cause a significant change in manufacturing infrastructure (such as construction of new manufacturing plants with considerable associated ground disturbance); (2) involve significant unresolved conflicts concerning alternative uses of available resources (such as rare or limited raw materials); (3) have the potential to result in a significant increase in the disposal of materials posing significant risks to human health and the environment (such as RCRA hazardous wastes); or (4) have the potential to cause a significant increase in energy consumption in a state or region. |
| B5.14 Combined heat and power or cogeneration systems | Conversion to, replacement of, or modification of combined heat and power or cogeneration systems (the sequential or simultaneous production of multiple forms of energy, such as thermal and electrical energy, in a single integrated system) at existing facilities, provided that the conversion, replacement, or modification |

would not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources.

- B5.16 Solar photovoltaic systems** The installation, modification, operation, and removal of commercially available solar photovoltaic systems located on a building or other structure (such as rooftop, parking lot or facility, and mounted to signage, lighting, gates, or fences), or if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
- B5.17 Solar thermal systems** The installation, modification, operation, and removal of commercially available smallscale solar thermal systems (including, but not limited to, solar hot water systems) located on or contiguous to a building, and if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
- B5.18 Wind turbines** The installation, modification, operation, and removal of a small number (generally not more than 2) of commercially available wind turbines, with a total height generally less than 200 feet (measured from the ground to the maximum height of blade rotation) that (1) are located within a previously disturbed or developed area; (2) are located more than 10 nautical miles (about 11.5 miles) from an airport or aviation navigation aid; (3) are located more than 1.5 nautical miles (about 1.7 miles) from National Weather Service or Federal Aviation Administration Doppler weather radar; (4) would not have the potential to cause significant impacts on bird or bat populations; and (5) are sited or designed such that the project would not have the potential to cause significant impacts to persons (such as from shadow flicker and other visual effects, and noise). Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices. Covered actions include only those related to wind turbines to be installed on land.
- B5.19 Ground source heat pumps** The installation, modification, operation, and removal of commercially available smallscale ground source heat pumps to support operations in single facilities (such as a school or community center) or contiguous facilities (such as an office complex) (1) only where (a) major associated activities (such as drilling and discharge) are regulated, and (b) appropriate leakage and contaminant control measures would be in place (including for cross-contamination between aquifers); (2) that would not have the potential to cause significant changes in subsurface temperature; and (3) would be located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
- B5.20 Biomass power plants** The installation, modification, operation, and removal of small-scale biomass power plants (generally less than 10 megawatts), using commercially available technology (1) intended primarily to support operations in single facilities (such as a school and community center) or contiguous facilities (such as an office complex); (2) that would not affect the air quality attainment status of the area and would not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources; and (3) would be located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
- B5.22 Alternative fuel vehicle fueling stations** The installation, modification, operation, and removal of alternative fuel vehicle fueling stations (such as for compressed natural gas, hydrogen, ethanol and other commercially available biofuels) on the site of a current or former fueling station, or within a previously disturbed or developed area within the boundaries of a facility managed by the owners of a vehicle fleet. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
- B5.23 Electric vehicle charging stations** The installation, modification, operation, and removal of electric vehicle charging stations, using commercially available technology, within a previously disturbed or developed area. Covered actions are limited to areas where access and parking are in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

Rationale for determination:

The U.S. Department of Energy is proposing to provide funding to existing State Energy Program (SEP) Recipients as outlined in the SEP Infrastructure Investment and Jobs Act (IIJA) of 2022 SEP-Administrative Legal Requirements Document (SEP-IIJA-ALRD-2022), also known as the Bipartisan Infrastructure Law (BIL) to enhance energy security, state-led energy initiatives, and to increase energy affordability.

Under the SEP Formula Awards as outlined in IIJA Provision 40109 Administrative Legal Requirements Document (ALRD) Program Year 2022 (SEP-IIJA-ALRD-2022), BIL would provide approximately \$500 million to all 50 States, Territories, and the District of Columbia.

This NEPA determination is specific to the 55 SEP Recipients with a DOE executed Historic Preservation Programmatic Agreement for activities that are funded by the SEP-IIJA-ALRD-2022.

The SEP Recipient without a DOE executed Historic Preservation Programmatic Agreement has a separate NEPA determination: GFO-SEP-IIJA-ALRD 2022B.

DOE has determined the following Bounded Categories of activities that are funded by SEP-IIJA-ALRD-2022, are categorically excluded from further NEPA review, absent extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to a particular project.

Bounded Categories:

1. Administrative activities associated with management of the designated state and management of programs and strategies to encourage energy efficiency and renewable energy, including energy audits.
2. Development of plans including but not limited to Transmission & Distribution plans and state energy conservation plans that may require feasibility studies, preparation of preliminary project design, outreach, and technical support to local governments, Indian Tribes and affected stakeholders. All project activities identified and funded from this ALRD must be listed within the Bounded Categories. Projects not listed within these Bounded Categories would require submission of an Environmental Questionnaire (EQ-1).
3. Development and implementation of programs and strategies to encourage energy efficiency and renewable energy such as policy development and stakeholder engagement.
4. Development and implementation of classroom training programs.
5. Development and implementation of building codes including inspection services, and associated activities to support code compliance and promote building energy efficiency.
6. Implementation of financial incentive programs including rebates and energy savings performance contracts for existing facilities; grants and loans to support energy efficiency, renewable energy and energy/water saving projects. All project activities funded under a financial incentive program must be listed within the Bounded Categories or would require submission of an Environmental Questionnaire (EQ-1).
7. Funding commercially available energy or energy/water efficiency or renewable energy upgrades, provided that projects adhere to the requirements of the respective Recipient's DOE executed Historic Preservation Programmatic Agreement, are installed in existing buildings, do not require structural reinforcement, no trees are removed, are appropriately sized and are limited to:
 - a. Installation of insulation.
 - b. Installation of energy efficient lighting.
 - c. HVAC upgrades (to existing systems).
 - d. Weather sealing.
 - e. Purchase and installation of energy efficient or energy/water efficient home appliances and equipment (including, but not limited to, energy or water monitoring and control systems, and thermostats).
 - f. Retrofit of energy efficient pumps and motors, for such uses as wastewater treatment plants, where it would not alter the capacity, use, mission or operation of an existing facility.
 - g. Retrofit and replacement of windows and doors.
 - h. Installation of Combined Heat and Power System—systems sized appropriately for the buildings in which they are located, not to exceed peak electrical production at 300kW.
8. Development, implementation, and installation of onsite renewable energy technology from renewable resources, provided that projects are installed in or on an existing structure or within the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), do not require structural reinforcement, no trees are removed, are appropriately sized, and are limited to:
 - a. Solar Electricity/Photovoltaic—appropriately sized system or unit not to exceed 60 kW.
 - b. Battery storage, if applicable, would be attached to a structure (e.g., inside a garage), or within the boundaries of a facility.
 - c. Wind Turbine—20 kW or smaller.
 - d. Solar Thermal (including solar thermal hot water)—system must be 200,000 BTU per hour or smaller.
 - e. Ground Source Heat Pump—5.5 tons of capacity or smaller, horizontal/vertical, ground, closed-loop system
 - f. Biomass Thermal—3 MMBTUs per hour or smaller system with appropriate Best Available Control Technologies (BACT) installed and operated.
9. Installation of fueling pumps and systems for fuels such as compressed natural gas, hydrogen, ethanol and other

commercially available biofuels, (but not storage tanks) installed on the site of a current fueling station.

10. Purchase of alternative fuel vehicles.

11. Installation of electric vehicle supply equipment (EVSE), including testing measures to assess the safety and functionality of the EVSE, restricted to existing footprints and levels of previous ground disturbance, within an existing parking facility defined as any building, structure, land, right-of-way, facility, or area used for parking of motor vehicles. All activities must use reversible, non-permanent techniques for installation, where appropriate, use the lowest profile EVSE reasonably available that provides the necessary charging capacity; place the EVSE in a minimally visibly intrusive area; use colors complementary to surrounding environment, where possible, and are limited to the current electrical capacity. This applies to Level 1, Level 2, or Level 3 (also known as Direct Current (DC) Fast Charging) EVSE. Installation of EVSE on Tribal Lands, or installations of EVSE that may affect historic properties located on Tribal Lands, is excluded from this Bounded Category, without first contacting your DOE Project Officer who will coordinate with the DOE NEPA Specialist.

Recipients shall adhere to the restrictions of their DOE executed Historic Preservation Programmatic Agreement. DOE executed Historic Preservation Programmatic Agreements are available on the Weatherization and Intergovernmental Programs website: <https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>. The restrictions of the Bounded Categories must be followed and documented.

All activities must be documented (e.g., a NEPA log) to ensure compliance with the restrictions of the Bounded Categories. The documentation must be available for DOE review upon request and submitted quarterly as outlined in the Federal Assistance Reporting Checklist. Recipients are required to participate in DOE led training on NEPA and historic preservation which would include the additional reporting requirements for the above activities prior to commencing work on the above activities. The training is available at www.energy.gov/node/4816816. Recipients are responsible for contacting NEPA with any NEPA or historic preservation questions at GONEPA@ee.doe.gov.

The Recipient is responsible for identifying and promptly notifying DOE of extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) relating to any proposed activities. Additionally, the Recipient must demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA) and inform DOE of activities in the 100-year floodplain and wetlands.

DOE is required to consider floodplain management and wetland protection as part of its environmental review process (10 CFR 1022). As part of this required review, DOE determined requirements set forth in Subpart B of 10 CFR 1022 are not applicable to the activities described in Bounded Categories 1-7g above that would occur in the 100-year floodplain (hereinafter "floodplain") or wetland because the activities would not have short-term or long-term adverse impacts to the floodplain or wetland. These activities are administrative or minor modifications of existing facilities to improve environmental conditions. All other integral elements and environmental review requirements are still applicable. All activities occurring in the floodplain or wetland must be documented. Activities occurring in the floodplain or wetland (except those under Bounded Categories 1-7g) are subject to additional NEPA review and approval by DOE.

For activities requiring additional NEPA review, Recipients must complete the environmental questionnaire (found at <https://www.eere-pmc.energy.gov/NEPA.aspx>) for review by DOE.

Most activities listed under "Bounded Categories" are more restrictive than the Categorical Exclusion. The restrictions must be followed for the Bounded Category to be applicable.

* SEP Recipients with a historic preservation programmatic agreement: AL, AK, AS, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MP, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and VI.

NEPA PROVISION

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

This NEPA Determination only applies to activities funded by the SEP IJA Provision 40109 Administrative and Legal Requirements Document. All activities must be documented (e.g., a NEPA log) to ensure compliance with the restrictions of the Bounded Categories as outlined in the Federal Assistance Reporting Checklist. Recipients must have a DOE executed Historic Preservation Programmatic Agreement.

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

This NEPA Determination does NOT apply to activities funded by sources other than the SEP IJA Provision 40109 Administrative and Legal Requirements Document, activities that do not fit within the restrictions of the Bounded Categories listed above, or to Recipients that do not have a DOE executed Historic Preservation Programmatic Agreement.

Include the following condition in the financial assistance agreement:

Activities/projects not listed under "Bounded Categories" are subject to additional NEPA review and approval by DOE. For activities/projects requiring additional NEPA review, Recipients must complete the environmental questionnaire (<https://www.eere-pmc.energy.gov/NEPA.aspx>) and receive notification from DOE that the NEPA review for the activities/projects has been completed and the Contracting Officer has approved the activities/projects prior to initiating those activities/projects.

1. This NEPA Determination only applies to activities funded by the SEP IJA Provision 40109 Administrative and Legal Requirements Document.
2. All activities must be documented (e.g., a NEPA log) to ensure compliance with the restrictions of the Bounded Categories. The documentation must be available for DOE review upon request and submitted quarterly as outlined in the Federal Assistance Reporting Checklist.
3. Activities not listed under "Bounded Categories" including ground disturbing activities outside the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), structural improvements to facilities, and tree removal, are subject to additional NEPA review and approval by DOE. For activities requiring additional NEPA review, Recipients must complete the environmental questionnaire found at <https://www.eere-pmc.energy.gov/NEPA.aspx> and receive notification from DOE that the NEPA review for the activities has been completed and the Contracting Officer has approved the activities prior to initiating those activities.
4. This authorization does not include activities where the following elements exist: extraordinary circumstances; cumulative impacts or connected actions that may lead to significant effects on the human environment; or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to a particular project.
5. The Recipient must identify and promptly notify DOE of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant effects on the human environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to project activities.
6. Recipients must have a DOE executed Historic Preservation Programmatic Agreement and adhere to the terms and restrictions of its DOE executed Historic Preservation Programmatic Agreement. DOE executed Historic Preservation Programmatic Agreements are available on the Weatherization and Intergovernmental Programs website: <https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>.
7. Most activities listed under "Bounded Categories" are more restrictive than the Categorical Exclusion. The restrictions listed in the "Bounded Categories" must be followed.
8. Recipients are responsible for completing the online NEPA and historic preservation training at www.energy.gov/node/4816816 and contacting NEPA with any questions GONEPA@ee.doe.gov.
9. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the Award.

Notes:

Weatherization & Intergovernmental Programs Office - WAP
This NEPA Determination requires legal review of the tailored NEPA provision.
NEPA review completed by Alex Colling on 11/15/2022.

FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____



Signed By: Casey Strickland

NEPA Compliance Officer

Date: 11/16/2022

FIELD OFFICE MANAGER DETERMINATION

- ☒ Field Office Manager review not required
☐ Field Office Manager review required

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____

Field Office Manager

Date: _____

Bipartisan Infrastructure Law (BIL) Special Terms and Conditions

The Grantee (“Recipient”), which is identified in Block 5 of the Assistance Agreement, and the Office of Energy Efficiency and Renewable Energy (“EERE”), an office within the United States Department of Energy (“DOE”), enter into this Award, referenced above, to achieve the project objectives and the technical milestones and deliverables stated in Attachment 1 to this Award.

This Award consists of the following documents, including all terms and conditions therein:

| | |
|--------------|---------------------------------------------------------|
| | Assistance Agreement |
| | Special Terms and Conditions |
| Attachment 1 | Annual File |
| Attachment 2 | Federal Assistance Reporting Checklist and Instructions |
| Attachment 3 | Budget Information SF-424A |
| Attachment 4 | Intellectual Property Provisions |
| Attachment 5 | Master File |
| Attachment 6 | NEPA Determination |

The following are incorporated into this Award by reference:

- Applicable program regulations, including 10 CFR Part 420 – State Energy Program at <http://eCFR.gov>.
- DOE Assistance Regulations, 2 CFR part 200 as amended by 2 CFR part 910 at <http://www.eCFR.gov>.
- Public Law 117-58 Bipartisan Infrastructure Law (BIL)
- National Policy Requirements (November 12, 2020) at <http://www.nsf.gov/awards/managing/rtc.jsp>.
- The Recipient’s application/proposal as approved by EERE.

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Subpart A. General Provisions

Term 1. Legal Authority and Effect

A DOE financial assistance award is valid only if it is in writing and is signed, either in writing or electronically, by a DOE Contracting Officer.

The Recipient may accept or reject the Award. A request to draw down DOE funds or acknowledgement of award documents by the Recipient's authorized representative through electronic systems used by DOE, specifically FedConnect, constitutes the Recipient's acceptance of the terms and conditions of this Award. Acknowledgement via FedConnect by the Recipient's authorized representative constitutes the Recipient's electronic signature.

Term 2. Flow Down Requirement

The Recipient agrees to apply the terms and conditions of this Award, as applicable, including the Intellectual Property Provisions, to all subrecipients (and subcontractors, as appropriate), as required by 2 CFR 200.101, and to require their strict compliance therewith. Further, the Recipient must apply the Award terms as required by 2 CFR 200.327 to all subrecipients (and subcontractors, as appropriate), and to require their strict compliance therewith.

Term 3. Compliance with Federal, State, and Municipal Law

The Recipient is required to comply with applicable Federal, state, and local laws and regulations for all work performed under this Award. The Recipient is required to obtain all necessary Federal, state, and local permits, authorizations, and approvals for all work performed under this Award.

Term 4. Inconsistency with Federal Law

Any apparent inconsistency between Federal statutes and regulations and the terms and conditions contained in this Award must be referred to the DOE Award Administrator for guidance.

Term 5. Federal Stewardship

EERE will exercise normal Federal stewardship in overseeing the project activities performed under this Award. Stewardship activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing technical assistance and/or temporary intervention in unusual circumstances to address deficiencies that develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the project objectives have been accomplished.

Term 6. Federal Involvement

A. Review Meetings

The Recipient, including but not limited to, the principal investigator (or, if

applicable, co-principal investigators), is required to participate in periodic review meetings with EERE. Review meetings enable EERE to assess the work performed under this Award and determine whether the Recipient has timely achieved the technical milestones and deliverables stated in Attachment 1 to this Award.

EERE shall determine the frequency of review meetings and select the day, time, and location of each review meeting and shall do so in a reasonable and good faith manner. EERE will provide the Recipient with reasonable notice of the review meetings.

For each review meeting, the Recipient is required to provide a comprehensive overview of the project, including:

- The Recipient's technical progress compared to the Milestone Summary Table stated in Attachment 1 to this Award.
- The Recipient's actual expenditures compared to the approved budget in Attachment 3 to this Award.
- Other subject matter specified by the DOE Technology Manager/Project Officer.

B. Project Meetings

The Recipient is required to notify EERE in advance of scheduled tests and internal project meetings that would entail discussion of topics that could result in major changes to the baseline project technical scope/approach, cost, or schedule. Upon request by EERE, the Recipient is required to provide EERE with reasonable access (by telephone, webinar, or otherwise) to the tests and project meetings. The Recipient is not expected to delay any work under this Award for the purpose of government insight.

C. Site Visits

EERE's authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. The Recipient must provide, and must require subrecipients to provide, reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

D. EERE Access

The Recipient must provide any information, documents, site access, or other assistance requested by EERE for the purpose of its Federal stewardship or substantial involvement.

Term 7. NEPA Requirements

A. Authorization

DOE must comply with the National Environmental Policy Act (NEPA) prior to authorizing the use of Federal funds.

For Recipients with a DOE executed Historic Preservation Programmatic Agreement (PA), DOE has determined that the "Bounded Categories" listed in the State Energy Program NEPA Determination (Attachment 6) are categorically excluded and require no further NEPA review, when the Recipient demonstrates the activities are compliant with the restrictions of the "Bounded Categories" and the NEPA logs are available to DOE upon request as well as submitted quarterly, per the Federal Assistance Reporting Checklist. The Recipient is thereby authorized to use Federal funds for the "Bounded Categories" listed in the SEP IJA Provision 40109 Administrative and Legal Requirements Document (SEP-IJAALRD-2022) NEPA Determination, subject to the Recipient's compliance with paragraphs B. "Conditions" and C. "Future Modifications," and the restrictions listed in Attachment 6.

B. Conditions

Activities/projects not listed under "Bounded Categories" are subject to additional NEPA review and approval by DOE. For activities/projects requiring additional NEPA review, Recipients must complete the environmental questionnaire(<https://www.eere-pmc.energy.gov/NEPA.aspx>) and receive notification from DOE that the NEPA review has been completed and approved by the Contracting Officer prior to initiating the project or activities.

1. This NEPA Determination only applies to activities funded by the SEP IJA Provision 40109 Administrative and Legal Requirements Document.
2. All activities must be documented (e.g., a NEPA log) to ensure compliance with the restrictions of the Bounded Categories. The documentation must be available for DOE review upon request.
3. Activities not listed under "Bounded Categories" including ground disturbing activities outside the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), structural improvements to facilities, and tree removal, are subject to additional NEPA review and approval by DOE. For activities requiring additional NEPA review, Recipients must complete the environmental questionnaire found at <https://www.eere-pmc.energy.gov/NEPA.aspx> and receive notification from DOE that the NEPA review has been completed and approved by the Contracting Officer prior to initiating the project or activities.

4. This authorization does not include activities where the following elements exist: extraordinary circumstances; cumulative impacts or connected actions that may lead to significant effects on the human environment; or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to a particular project.
5. The Recipient must identify and promptly notify DOE of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant effects on the human environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to project activities.
6. Recipients must have a DOE executed Historic Preservation Programmatic Agreement and adhere to the terms and restrictions of its DOE executed Historic Preservation Programmatic Agreement. DOE executed historic preservation programmatic agreements are available on the Weatherization and Intergovernmental Programs website: <https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>.
7. Most activities listed under "Bounded Categories" are more restrictive than the Categorical Exclusion. The restrictions listed in the "Bounded Categories" must be followed.
8. Recipients are responsible for completing the online NEPA and Historic preservation training at <http://www.energy.gov/node/4816816> and contacting NEPA with any questions GONEPA@ee.doe.gov.
9. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the Award.

C. Modifications and Activities not covered by the NEPA Determination

If the Recipient intends to undertake activities or projects that do not fall within the NEPA determination, those activities and projects are subject to additional NEPA review by DOE and are not authorized for Federal funding unless and until the Contracting Officer provides written authorization on those additions or modifications. Should the Recipient elect to undertake activities or projects prior to written authorization from the Contracting Officer, the Recipient does so at risk of not receiving Federal funding for those activities and projects, and such costs may not be recognized as allowable cost match.

Term 8. Historic Preservation

A. Authorization

DOE must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) prior to authorizing the use of Federal funds. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. Recipients with a DOE-executed Programmatic Agreement (PA) must comply with the requirements identified in paragraph B. Conditions below.

B. Conditions

Recipients with a DOE executed PA for Historic Preservation:

(AL, AK, AS, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MP, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and VI.)

Recipients with a DOE executed historic preservation Programmatic Agreement (PA) must adhere to all the Stipulations of their PA. All DOE executed PAs are available on the Weatherization and Intergovernmental Programs website:

<https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>.

In addition to the Stipulations in their PAs, Recipients must notify DOE via GONEPA@ee.doe.gov whenever:

- Either the Recipient or the State Historic Preservation Office (SHPO)/Tribal Historic Preservation Office (THPO) believes that the Criteria of Adverse Effect pursuant to 36 CFR § 800.5, apply to the proposal under consideration by DOE;
- There is a disagreement between an Applicant, or its authorized representative, and the SHPO/THPO about the scope of the area of potential effects, identification and evaluation of historic properties and/or the assessment of effects;
- There is an objection from a consulting party or the public regarding their involvement in the review process established by 36 CFR Part 800, Section 106 findings and determinations, or implementation of agreed upon measures; or
- There is the potential for a foreclosure situation or anticipatory demolition as defined under 36 CFR §800.9 (b) and 36 CFR § 800.9 (c).

Term 9. Performance of Work in United States

A. Requirement

All work performed under this Award must be performed in the United States unless the Contracting Officer provides a waiver. This requirement does not apply to the purchase of supplies and equipment; however, the Recipient should make every effort to purchase supplies and equipment within the United States. The Recipient must flow down this requirement to its subrecipients.

B. Failure to Comply

If the Recipient fails to comply with the Performance of Work in the United States requirement, the Contracting Officer may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as allowable Recipient cost share regardless if the work is performed by the Recipient, subrecipients, vendors or other project partners.

C. Waiver for Work Outside the U.S.

All work performed under this Award must be performed in the United States. However, the Contracting Officer may approve the Recipient to perform a portion of the work outside the United States under limited circumstances. The Recipient must obtain a waiver from the Contracting Officer prior to conducting any work outside the U.S. To request a waiver, the Recipient must submit a written waiver request to the Contracting Officer, which includes the following information:

- The rationale for performing the work outside the U.S.;
- A description of the work proposed to be performed outside the U.S.;
- Proposed budget of work to be performed; and
- The countries in which the work is proposed to be performed.

For the rationale, the Recipient must demonstrate to the satisfaction of the Contracting Officer that the performance of work outside the United States would further the purposes of the FOA or Program that the Award was selected under and is in the economic interests of the United States. The Contracting Officer may require additional information before considering such request.

Term 10. Foreign National Involvement

The Recipient and project participants (including subrecipients and contractors) who anticipate involving foreign nationals in the performance of an award, may be required to provide DOE with specific information about each foreign national to satisfy requirements for foreign national participation. A foreign national is defined as any person who is not a U.S. citizen by birth or naturalization. The volume and type of information collected may depend on various factors associated with the award.

Term 11. Reporting Requirements

A. Requirements

The reporting requirements for this Award are identified on the Federal Assistance Reporting Checklist, attached to this Award. Failure to comply with these reporting requirements is considered a material noncompliance with the terms of the Award. Noncompliance may result in withholding of future payments, suspension, or termination of the current award, and withholding of future awards. A willful failure to perform, a history of failure to perform, or unsatisfactory performance of this and/or other financial assistance awards, may also result in a debarment action to preclude future awards by Federal agencies.

B. Dissemination of Scientific and Technical Information

Scientific and Technical Information (STI) generated under this Award will be submitted to DOE via the Office of Scientific and Technical Information's Energy Link ([E-Link](#)) system. STI submitted under this Award will be disseminated via DOE's [OSTI.gov](#) website subject to approved access limitations. Citations for journal articles produced under the Award will appear on the [DOE PAGES](#) website.

C. Restrictions

Scientific and Technical Information submitted to E-Link must not contain any Protected Personal Identifiable Information (PII), limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release.

Term 12. Lobbying

By accepting funds under this Award, the Recipient agrees that none of the funds obligated on the Award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

Term 13. Publications

The Recipient is required to include the following acknowledgement in publications arising out of, or relating to, work performed under this Award, whether copyrighted or not:

- *Acknowledgment:* "This material is based upon work supported by the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy (EERE) under the State Energy Program Award Number DE-EE0010060."
- *Full Legal Disclaimer:* "This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or

implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof.”

Abridged Legal Disclaimer: “The views expressed herein do not necessarily represent the views of the U.S. Department of Energy or the United States Government.”

Recipients should make every effort to include the full Legal Disclaimer. However, in the event that recipients are constrained by formatting and/or page limitations set by the publisher, the abridged Legal Disclaimer is an acceptable alternative.

Term 14. No-Cost Extension

As provided in 2 CFR 200.308, the Recipient must provide the Contracting Officer with notice in advance if it intends to utilize a one-time, no-cost extension of this Award. The notification must include the supporting reasons and the revised period of performance. The Recipient must submit this notification in writing to the Contracting Officer and DOE Technology Manager/ Project Officer at least 30 days before the end of the current budget period.

Any no-cost extension will not alter the project scope, milestones, deliverables, or budget of this Award.

Term 15. Property Standards

The complete text of the Property Standards can be found at 2 CFR 200.310 through 200.316. Also see 2 CFR 910.360 for additional requirements for real property and equipment for For-Profit recipients.

Term 16. Insurance Coverage

See 2 CFR 200.310 for insurance requirements for real property and equipment acquired or improved with Federal funds. Also see 2 CFR 910.360(d) for additional requirements for real property and equipment for For-Profit recipients.

Term 17. Real Property

Subject to the conditions set forth in 2 CFR 200.311, title to real property acquired or improved under a Federal award will conditionally vest upon acquisition in the non-Federal entity. The non-Federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.311 before disposing of the property.

Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from DOE or pass-through entity. The instructions must provide for one of the following alternatives: (1) retain title after compensating DOE as described in 2 CFR 200.311(c)(1); (2) Sell the property and compensate DOE as specified in 2 CFR 200.311(c)(2); or (3) transfer title to DOE or to a third party designated/approved by DOE as specified in 2 CFR 200.311(c)(3).

See 2 CFR 200.311 for additional requirements pertaining to real property acquired or improved under a Federal award. Also see 2 CFR 910.360 for additional requirements for real property for For-Profit recipients.

Term 18. Equipment

Subject to the conditions provided in 2 CFR 200.313, title to equipment (property) acquired under a Federal award will conditionally vest upon acquisition with the non-Federal entity. The non-Federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.313 before disposing of the property.

A state must use equipment acquired under a Federal award by the state in accordance with state laws and procedures.

Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as it is needed, whether or not the project or program continues to be supported by the Federal award. When no longer needed for the originally authorized purpose, the equipment may be used by programs supported by DOE in the priority order specified in 2 CFR 200.313(c)(1)(i) and (ii).

Management requirements, including inventory and control systems, for equipment are provided in 2 CFR 200.313(d).

When equipment acquired under a Federal award is no longer needed, the non-Federal entity must obtain disposition instructions from DOE or pass-through entity.

Disposition will be made as follows: (1) items of equipment with a current fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to DOE; (2) Non-Federal entity may retain title or sell the equipment after compensating DOE as described in 2 CFR 200.313(e)(2); or (3) transfer title to DOE or to an eligible third party as specified in 2 CFR 200.313(e)(3).

See 2 CFR 200.313 for additional requirements pertaining to equipment acquired under a Federal award. Also see 2 CFR 910.360 for additional requirements for equipment for For-Profit recipients. See also 2 CFR 200.439 Equipment and other capital expenditures.

Term 19. Supplies

See 2 CFR 200.314 for requirements pertaining to supplies acquired under a Federal award. See also 2 CFR 200.453 Materials and supplies costs, including costs of computing devices.

Term 20. Property Trust Relationship

Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. See 2 CFR 200.316 for additional requirements pertaining to real property, equipment, and intangible property acquired or improved under a Federal award.

Term 21. Record Retention

Consistent with 2 CFR 200.334 through 200.338, the Recipient is required to retain records relating to this Award.

Term 22. Audits

A. Government-Initiated Audits

The Recipient must provide any information, documents, site access, or other assistance requested by EERE, DOE or Federal auditing agencies (e.g., DOE Inspector General, Government Accountability Office) for the purpose of audits and investigations. Such assistance may include, but is not limited to, reasonable access to the Recipient's records relating to this Award.

Consistent with 2 CFR part 200 as amended by 2 CFR part 910, DOE may audit the Recipient's financial records or administrative records relating to this Award at any time. Government-initiated audits are generally paid for by DOE.

DOE may conduct a final audit at the end of the project period (or the termination of the Award, if applicable). Upon completion of the audit, the Recipient is required to refund to DOE any payments for costs that were determined to be unallowable. If the audit has not been performed or completed prior to the closeout of the award, DOE retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

DOE will provide reasonable advance notice of audits and will minimize interference with ongoing work, to the maximum extent practicable.

B. Annual Independent Audits (Single Audit or Compliance Audit)

The Recipient must comply with the annual independent audit requirements in 2 CFR 200.500 through .521 for institutions of higher education, nonprofit organizations, and state and local governments (Single audit), and 2 CFR 910.500 through .521 for for-profit entities (Compliance audit).

The annual independent audits are separate from Government-initiated audits discussed in part A. of this Term, and must be paid for by the Recipient. To minimize expense, the Recipient may have a Compliance audit in conjunction with its annual audit of financial statements. The financial statement audit is **not** a substitute for the Compliance audit. If the audit (Single audit or Compliance audit, depending on Recipient entity type) has not been performed or completed prior to the closeout of the award, DOE may impose one or more of the actions outlined in 2 CFR 200.338, Remedies for Noncompliance.

Subpart B. Financial Provisions

Term 23. Maximum Obligation

The maximum obligation of DOE for this Award is the total “Funds Obligated” stated in Block 13 of the Assistance Agreement to this Award.

Term 24. Continuation Application and Funding

A. Continuation Application

A continuation application is a non-competitive application for an additional budget period and extended project period. The continuation application shall be submitted to EERE in accordance with the annual Announcement/Grant Guidance that is issued.

B. Continuation Funding

Continuation funding is contingent on (1) the availability of funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) Recipient’s satisfactory progress towards meeting the objectives of the State Energy Program; (4) Recipient’s submittal of required reports; (5) Recipient’s compliance with the terms and conditions of the Award; (6) the Recipient’s submission of a continuation application; and (7) written approval of the continuation application by the Contracting Officer.

Term 25. Refund Obligation

The Recipient must refund any excess payments received from EERE, including any costs determined unallowable by the Contracting Officer. Upon the end of the project period (or the termination of the Award, if applicable), the Recipient must refund to EERE the difference between (1) the total payments received from EERE, and (2) the Federal share of the costs incurred. Refund obligations under this Term do not supersede the annual reconciliation or true up process if specified under the Indirect Cost Term.

Term 26. Allowable Costs

EERE determines the allowability of costs through reference to 2 CFR part 200 as amended by 2 CFR part 910. All project costs must be allowable, allocable, and reasonable. The Recipient must document and maintain records of all project costs, including, but not limited to, the costs paid by Federal funds, costs claimed by its subrecipients and project costs that the Recipient claims as cost sharing, including in-kind contributions. The Recipient is responsible for maintaining records adequate to demonstrate that costs claimed have been incurred, are reasonable, allowable and allocable, and comply with the cost principles. Upon request, the Recipient is required to provide such records to EERE. Such records are subject to audit. Failure to provide EERE adequate supporting documentation may result in a determination by the Contracting Officer that those costs are unallowable.

The Recipient is required to obtain the prior written approval of the Contracting Officer for any foreign travel costs.

Term 27. Indirect Costs

A. Indirect Cost Allocation:

The Recipient has a current and approved Predetermined or Fixed Negotiated Indirect Cost Rate Agreement (NICRA) and it applies uniformly across all Federal awards through the Recipients fiscal year end 2023. An updated rate proposal or NICRA is required within 180 days prior to the identified expiration if the Recipient is to continue to bill predetermined indirect cost billing rates on the DOE award.

B. Fringe Cost Allocation:

Fringe benefit costs have been allocated to this award under a segregated fringe billing rate. The fringe costs were found to be reasonable, allocable, and allowable as reflected in the budget. Fringe elements apply to both direct and indirect labor. Under a segregated cost pool, the fringe billing rate shall be treated as an indirect cost expenditure and must be reconciled annually.

C. Subrecipient Indirect Costs (If Applicable):

The Recipient must ensure its subrecipient's indirect costs are appropriately managed, have been found to be allowable, and comply with the requirements of this Award and 2 CFR Part 200 as amended by 2 CFR Part 910.

D. Indirect Cost Stipulations:

i. Modification to Indirect Cost Billing Rates

EERE will not modify this Award solely to provide additional funds to cover increases in the Recipient's indirect cost billing rate(s). Adjustments to the indirect cost billing rates must be approved by the Recipient's Cognizant Agency or Cognizant Federal Agency Official.

The Recipient must provide a copy of an updated NICRA or indirect rate proposal to the DOE Award Administrator in order to increase indirect cost billing rates. If the Contracting Officer provides prior written approval, the Recipient may incur an increase in the indirect cost billing rates. Reimbursement will be limited by the budgeted dollar amount for indirect costs for each budget period as shown in Attachment 3 to this Award.

ii. Award Closeout

The closeout of the DOE award does not affect (1) the right of the DOE to disallow costs and recover funds on the basis of a later audit or other review; (2) the requirement for the Recipient to return any funds due as a result of later refunds, corrections or other transactions including final indirect cost billing rate adjustments; and (3) the ability of the DOE to make financial adjustments to a previously closed award resolving indirect cost payments and making final payments.

Term 28. Decontamination and/or Decommissioning (D&D) Costs

Notwithstanding any other provisions of this Award, the Government shall not be responsible for or have any obligation to the Recipient for (1) Decontamination and/or Decommissioning (D&D) of any of the Recipient's facilities, or (2) any costs which may be incurred by the Recipient in connection with the D&D of any of its facilities due to the performance of the work under this Award, whether said work was performed prior to or subsequent to the effective date of the Award.

Term 29. Use of Program Income

If the Recipient earns program income during the project period as a result of this Award, the Recipient must add the program income to the funds committed to the Award and used to further eligible project objectives.

Term 30. Payment Procedures

A. Method of Payment

Payment will be made by advances through the Department of Treasury's ASAP system.

B. Requesting Advances

Requests for advances must be made through the ASAP system. The Recipient may submit requests as frequently as required to meet its needs to disburse funds for the Federal share of project costs. If feasible, the Recipient should time each request so that the Recipient receives payment on the same day that the Recipient disburses funds for direct project costs and the proportionate share of any allowable indirect costs. If same-day transfers are not feasible, advance payments must be as close to

actual disbursements as administratively feasible.

C. Adjusting Payment Requests for Available Cash

The Recipient must disburse any funds that are available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds before requesting additional cash payments from EERE.

D. Payments

All payments are made by electronic funds transfer to the bank account identified on the Bank Information Form that the Recipient filed with the U.S. Department of Treasury.

E. Unauthorized Drawdown of Federal Funds

For each budget period, the Recipient may not spend more than the Federal share authorized to that particular budget period, without specific written approval from the Contracting Officer. The Recipient must immediately refund EERE any amounts spent or drawn down in excess of the authorized amount for a budget period. The Recipient and subrecipients shall promptly, but at least quarterly, remit to DOE interest earned on advances drawn in excess of disbursement needs, and shall comply with the procedure for remitting interest earned to the Federal government per 2 CFR 200.305, as applicable.

F. Supporting Documents for Agency Approval of Payments

DOE may require Agency pre-approval of payments. If the Agency approval requirement is in effect for the Recipient's Award, the ASAP system will indicate that Agency approval is required when the Recipient submits a request for payment.

The Recipient must notify the DOE Technical Project Officer and DOE Award Administrator identified on the Assistance Agreement that a payment request has been submitted.

The following items are required to be submitted to the DOE Technical Project Officer and DOE Award Administrator identified on the Assistance Agreement:

- Summary cost data, for the billing period and cumulative cost data, showing all categories listed in the SF-424A and identifying Federal, non-Federal, and total amounts.
- SF-270.
- If there are unauthorized phases and/or tasks for the current budget period in the NEPA Requirements term in these Special Terms and Conditions, a statement affirming that no invoiced costs are related to tasks or activities prohibited by the NEPA Requirements term.
- *Applicable to for-profit recipients and subrecipients* UCC filing proof for all

equipment acquired with project funds (i.e., Federal share or Recipient share) and equipment offered as cost share.

The DOE payment authorizing official may request additional information from the Recipient to support the payment requests prior to release of funds, as deemed necessary. The Recipient is required to comply with these requests. Supporting documents include invoices, copies of contracts, vendor quotes, and other expenditure explanations that justify the payment requests.

Term 31. Budget Changes

A. Budget Changes Generally

The Contracting Officer has reviewed and approved the SF-424A in Attachment 3 to this Award.

Any increase in the total project cost, whether DOE share or Cost Share, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award, must be approved in advance and in writing by the Contracting Officer.

Any change that alters the project scope, milestones or deliverables requires prior written approval of the Contracting Officer. EERE may deny reimbursement for any failure to comply with the requirements in this term.

B. Transfers of Funds Among Direct Cost Categories

The Recipient is required to submit written notification via email (not in PAGE) to the Project Officer identified in the Assistance Agreement of any transfer of funds among direct cost categories where the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total project cost, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award.

Upon receipt of adequate notification documentation by the Project Officer, the recipient is hereby authorized to transfer funds among direct cost categories for program activities consistent with their approved State/Annual Plan, without prior approval by the awarding agency.

Limitations on supplies and equipment as detailed in the respective year's SEP Grant Guidance still apply and are not waived under this provision.

C. Transfer of Funds Between Direct and Indirect Cost Categories

The Recipient is required to obtain the prior written approval of the Contracting Officer for any transfer of funds between direct and indirect cost categories. If the Recipient's actual allowable indirect costs are less than those budgeted in Attachment 3 to this Award, the Recipient may use the difference to pay additional

allowable direct costs during the project period so long as the total difference is less than 10% of total project costs and the difference is reflected in actual requests for reimbursement to DOE.

Term 32. Carryover of Unobligated Balances

The Recipient is hereby authorized to carry over unobligated balances of Federal and non-Federal funds from one budget period to a subsequent budget period, for program activities consistent with their approved State/Annual Plan, without prior approval by the Contracting Officer. Should the Recipient wish to use carryover funds for activities that are not consistent with the approved State/Annual Plan, a budget revision application must be submitted for approval by DOE.

For purposes of this Award, an unobligated balance is the portion of the funds authorized by DOE that have not been obligated by the Recipient at the end of a budget period. The Recipient is advised to carefully manage grant funds to minimize unobligated balances each year, but especially at the end of the grant project period.

Subpart C. Miscellaneous Provisions

Term 33. Reporting Subawards and Executive Compensation

A. Reporting of first-tier subawards

- i. *Applicability.* Unless the Recipient is exempt as provided in paragraph D. of this award term, the Recipient must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to an entity (see definitions in paragraph E. of this award term).
- ii. *Where and when to report.*
 1. The Recipient must report each obligating action described in paragraph A.i. of this award term to <https://www.fsrs.gov>.
 2. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported no later than December 31, 2010.)
- iii. *What to report.* The Recipient must report the information about each obligating action that the submission instructions posted at <https://www.fsrs.gov> specify.

B. Reporting Total Compensation of Recipient Executives

- i. *Applicability and what to report.* The Recipient must report total compensation for each of its five most highly compensated executives for the preceding completed fiscal year, if:
 1. The total Federal funding authorized to date under this Award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
 2. In the preceding fiscal year, the Recipient received:
 - a. 80 percent or more of the Recipient's annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - b. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards)
 3. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>).
- ii. *Where and when to report.* The Recipient must report executive total compensation described in paragraph B.i. of this award term:
 1. As part of the Recipient's registration profile at <https://www.sam.gov>.
 2. By the end of the month following the month in which this award is made, and annually thereafter.

C. Reporting of Total Compensation of Subrecipient Executives

- i. *Applicability and what to report.* Unless the Recipient is exempt as provided in paragraph D. of this award term, for each first-tier subrecipient under this award, the Recipient shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the

subrecipient's preceding completed fiscal year, if:

1. In the subrecipient's preceding fiscal year, the subrecipient received:
 - a. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - b. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards)
 2. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>).
- ii. *Where and when to report.* The Recipient must report subrecipient executive total compensation described in paragraph C.i. of this award term:
1. To the recipient.
 2. By the end of the month following the month during which the Recipient makes the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), the Recipient must report any required compensation information of the subrecipient by November 30 of that year.

D. Exemptions

If, in the previous tax year, the Recipient had gross income, from all sources, under \$300,000, it is exempt from the requirements to report:

- i. Subawards; and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

E. Definitions

For purposes of this Award term:

- i. Entity means all of the following, as defined in 2 CFR Part 25:
 1. A Governmental organization, which is a State, local government, or Indian tribe.
 2. A foreign public entity.
 3. A domestic or foreign nonprofit organization.
 4. A domestic or foreign for-profit organization.
 5. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- ii. Executive means officers, managing partners, or any other employees in management positions.
- iii. Subaward:
 1. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received this award and that the recipient awards to an eligible subrecipient.
 2. The term does not include the Recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.501 Audit requirements, (f) *Subrecipients and Contractors* and/or 2 CFR 910.501 Audit requirements, (f) *Subrecipients and Contractors*).
 3. A subaward may be provided through any legal agreement, including an agreement that the Recipient or a subrecipient considers a contract.
- iv. Subrecipient means an entity that:
 1. Receives a subaward from the Recipient under this award; and
 2. Is accountable to the Recipient for the use of the Federal funds provided by the subaward.
- v. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

1. Salary and bonus.
2. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
3. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
4. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
5. Above-market earnings on deferred compensation which is not tax-qualified.
6. Other compensation, if the aggregate value of all such other compensation (*e.g.* severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

Term 34. System for Award Management and Universal Identifier Requirements

A. Requirement for Registration in the System for Award Management (SAM)

Unless the Recipient is exempted from this requirement under 2 CFR 25.110, the Recipient must maintain the currency of its information in SAM until the Recipient submits the final financial report required under this Award or receive the final payment, whichever is later. This requires that the Recipient reviews and updates the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.

B. Unique Entity Identifier (UEI)

SAM automatically assigns a UEI to all active SAM.gov registered entities. Entities no longer have to go to a third-party website to obtain their identifier. This information is displayed on SAM.gov.

If the Recipient is authorized to make subawards under this Award, the Recipient:

- i. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from the Recipient unless the entity has provided its UEI number to the Recipient.
- ii. May not make a subaward to an entity unless the entity has provided its UEI number to the Recipient.

C. Definitions

For purposes of this award term:

- i. System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <https://www.sam.gov>).
- ii. Unique Entity Identifier (UEI) is the 12-character, alpha-numeric identifier that will be assigned by SAM.gov upon registration.
- iii. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR Part 25, subpart C:
 - 1. A Governmental organization, which is a State, local government, or Indian Tribe.
 - 2. A foreign public entity.
 - 3. A domestic or foreign nonprofit organization.
 - 4. A domestic or foreign for-profit organization.
 - 5. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- iv. Subaward:
 - 1. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received this Award and that the Recipient awards to an eligible subrecipient.
 - 2. The term does not include the Recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.501 Audit requirements, (f) *Subrecipients and Contractors* and/or 2 CFR 910.501 Audit requirements, (f) *Subrecipients and Contractors*).

3. A subaward may be provided through any legal agreement, including an agreement that the Recipient considers a contract.
- v. Subrecipient means an entity that:
 1. Receives a subaward from the Recipient under this Award; and
 2. Is accountable to the Recipient for the use of the Federal funds provided by the subaward.

Term 35. Nondisclosure and Confidentiality Agreements Assurances

- A. By entering into this agreement, the Recipient attests that it **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
- B. The Recipient further attests that it **does not and will not** use any Federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:
 - i. *“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”*
 - ii. The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.
 - iii. Notwithstanding provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum,

require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

Term 36. Conference Spending

The Recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would defray the cost to the United States Government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States Government would otherwise exceed \$20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

Term 37. Recipient Integrity and Performance Matters

A. General Reporting Requirement

If the total value of the Recipient's currently active Financial Assistance awards, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this term. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

B. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- i. Is in connection with the award or performance of a Financial Assistance, cooperative agreement, or procurement contract from the Federal Government;
- ii. Reached its final disposition during the most recent five-year period; and
- iii. Is one of the following:
 1. A criminal proceeding that resulted in a conviction, as defined in paragraph E of this award term and condition;

2. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
3. An administrative proceeding, as defined in paragraph E of this term, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
4. Any other criminal, civil, or administrative proceeding if:
 - a. It could have led to an outcome described in paragraph B.iii.1, 2, or 3 of this term;
 - b. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - c. The requirement in this term to disclose information about the proceeding does not conflict with applicable laws and regulations.

C. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph B of this term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

D. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph A of this term, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, Financial Assistance awards, (including cooperative agreement awards) with a cumulative total value greater than \$10,000,000, must disclose semiannually any information about the criminal, civil, and administrative proceedings.

E. Definitions

For purposes of this term:

- i. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or

- Financial Assistance awards. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- ii. Conviction means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of *nolo contendere*.
 - iii. Total value of currently active Financial Assistance awards, cooperative agreements and procurement contracts includes—
 - 1. Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - 2. The value of all expected funding increments under a Federal award and options, even if not yet exercised.

Term 38. Export Control

The U.S. government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of Federal agencies and regulations that govern exports that are collectively referred to as “Export Controls.” To ensure compliance with Export Controls, it is the Recipient’s responsibility to determine when its project activities trigger Export Controls and to ensure compliance.

Certain information, technology or material under an award may be considered export-controlled items that cannot be released to any foreign entity (organization, company, or person) without a license. The Recipient, and any subrecipients, must take the appropriate steps to obtain any required licenses, monitor and control access to restricted information and material, and safeguard all controlled items to ensure compliance with Export Controls. Under no circumstances may any foreign entity (organizations, companies, or persons) receive access to an export-controlled item unless proper export procedures have been satisfied and such access is authorized pursuant to law or regulation.

The Recipient must immediately report to DOE any export control violations related to the project funded under this Award, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

Term 39. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

As set forth in 2 CFR 200.116, recipients and subrecipients are prohibited from obligating or expending project funds (Federal funds and recipient cost share) to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or

(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

See Public Law 115-232, section 889 for additional information.

Term 40. Fraud, Waste and Abuse

The mission of the DOE Office of Inspector General (OIG) is to strengthen the integrity, economy and efficiency of DOE's programs and operations including deterring and detecting fraud, waste, abuse and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of Department of Energy activities to include grants, cooperative agreements, loans, and contracts.

The OIG maintains a Hotline for reporting allegations of fraud, waste, abuse, or mismanagement. To report such allegations, please visit <https://www.energy.gov/ig/ig-hotline>.

Additionally, the Recipient must be cognizant of the requirements of [2 CFR § 200.113 Mandatory disclosures](#), which states:

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII to this

part are required to report certain civil, criminal, or administrative proceedings to SAM (currently FAPIIS). Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.) [85 FR 49539, Aug. 13, 2020]

Term 41. Interim Conflict of Interest Policy for Financial Assistance Policy

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) can be found at <https://www.energy.gov/management/pf-2022-17-department-energy-interim-conflict-interest-policy-requirements-financial>. This policy is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award.

Recipients must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities.

It is understood that non-Federal entities and individuals receiving DOE financial assistance awards will need sufficient time to come into full compliance with DOE's interim COI Policy. To provide some flexibility, EERE allows for a staggered implementation. Specifically, prior to award, the Recipient must ensure all Investigators complete their significant financial disclosures; review the disclosures; determine whether a FCOI exists; develop and implement a management plan for FCOIs; and provide DOE with an initial FCOI report that includes any unmanaged/ unmanageable FCOIs.

To further ease the administrative burden, EERE established a model conflict of interest policy that WIPO Recipients may adopt and implement. The Recipients has 180 days from the date of this Award to either adopt and implement the WIPO model conflict of interest policy or ensure its existing conflict of interest policy aligns with the requirements of the WIPO model COI policy. The WIPO model COI Policy is available upon request from the Contracting Officer.

Subpart D. Bipartisan Infrastructure Law (BIL)-specific requirements

Term 42. Recipient Notification of prospective BIL- specific requirements

The funding for this Award is made available under the BIL and is subject to the applicable requirements included in the BIL. Requirements for this Award are listed in the subsequent award terms, however the Recipient should be aware that additional terms and modifications may be included when the Award is modified with the incorporation of the Full Application. Additional terms that may be incorporated include, but are not limited to:

1. Publication of Information on the Internet
2. Certification and Registration
3. Whistleblowers and False Claims

Term 43. Reporting Tracking and Segregation of Incurred Costs

BIL funds may be used in conjunction with other funding, as necessary to complete projects, but tracking and reporting must be separate. The Recipient must keep separate records for BIL funds and must ensure those records comply with the requirements of the BIL.

Term 44. Buy American Requirements for Infrastructure Projects

A. Definitions

Infrastructure includes, at a minimum, the structures, facilities, and equipment for, in the United States:

- Roads, highways, and bridges;
- Public transportation;
- Dams, ports, harbors, and other maritime facilities;
- Intercity passenger and freight railroads;
- Freight and intermodal facilities;
- Airports;
- Water systems, including drinking water and wastewater systems;
- Electrical transmission facilities and systems;
- Utilities;
- Broadband infrastructure;
- Buildings and real property; and
- Facilities that generate, transport, and distribute energy.

Further, the “infrastructure” in question must either be publicly owned or serve a public function; privately owned infrastructure that is not open to the public, such as a personal residence, is not considered “infrastructure” for purposes of this requirement. In cases where the “public” nature of the infrastructure is unclear, the recipient is required to consult with the DOE Grants Officer who will render a determination.

Project means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Construction Materials includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is, or consists primarily of:

- Non-ferrous metals;
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- Glass (including optic glass);
- Lumber; or
- Drywall.

Domestic content procurement preference means and refers to the same thing as “Buy America Preference.”

B. Buy America Preference

None of the funds provided under this award may be used for a project for infrastructure unless:

1. All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought into the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

C. Waivers

When necessary, recipients may apply for, and DOE may grant, a waiver from the Buy America Preference requirements. Requests to waive the application of the Buy America Preference must be in writing. Waiver requests are subject to public comment periods of no less than 15 days, as well as review by the Office of Management and Budget.

Waivers must be based on one of the following justifications:

1. Applying the Buy America Preference would be inconsistent with the public interest (Public Interest);
2. The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (Nonavailability); or

3. The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (Unreasonable Cost).

Requests to waive the Buy America Preference must include the following:

- Waiver type (Public Interest, Nonavailability, or Unreasonable Cost);
- Recipient name and Unique Entity Identifier (UEI);
- A detailed justification as to how the non-domestic item(s) is/are essential the project;
- A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers;
- Total estimated project cost, with estimated Federal share and recipient cost share breakdowns;
- Total estimated infrastructure costs, with estimated Federal share and recipient cost share breakdowns;
- A brief description of the project, its location, and the specific infrastructure involved;
- List and description of iron or steel item(s), manufactured goods, and/or construction material(s) the recipient seeks to waive from the Buy America Preference, including name, cost, country(ies) of origin, and relevant PSC and NAICS codes for each;
- A justification statement—based on one of the applicable justifications outlined above—as to why the items in question cannot be procured domestically, including the due diligence performed (e.g., market research, industry outreach) by the recipient to attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy America-compliant bids received for domestic products in response to a solicitation; and
- Anticipated impact to the project if no waiver is issued.
DOE may request, and the recipient must provide, additional information for consideration of this waiver. The Agency's final determination regarding approval or rejection of the waiver request may not be appealed.

Term 45. Davis Bacon Requirements

This Award is funded under Division D of the Bipartisan Infrastructure Law (BIL). All laborers and mechanics employed by the Recipient, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2000 on an Award funded directly by or assisted in whole or in part by funds made available under this Award shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the "Davis-Bacon Act" (DBA).

By accepting this Award, the Recipient acknowledges the DBA requirements for the Award and confirms that all of the laborers and mechanics performing construction, alteration, or repair

work in excess of \$2000 on projects funded directly by or assisted in whole or in part by and through funding under the Award are paid or will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act).

The Recipient must comply with all of the Davis-Bacon Act requirements, including but not limited to:

- (1) ensuring that the wage determination(s) and appropriate Davis-Bacon clauses and requirements are flowed down to and incorporated into any applicable subcontracts or subrecipient awards.
- (2) being responsible for compliance by any subcontractor or subrecipient with the Davis-Bacon labor standards.
- (3) receiving and reviewing certified weekly payrolls submitted by all subcontractors and subrecipients for accuracy and to identify potential compliance issues.
- (4) maintaining original certified weekly payrolls for 3 years after the completion of the project and must make those payrolls available to the DOE or the Department of Labor upon request, as required by 29 CFR 5.6(a)(2).
- (5) conducting payroll and job-site reviews for construction work, including interviews with employees, with such frequency as may be necessary to assure compliance by its subcontractors and subrecipients and as requested or directed by the DOE.
- (6) cooperating with any authorized representative of the Department of Labor in their inspection of records, interviews with employees, and other actions undertaken as part of a Department of Labor investigation.
- (7) posting in a prominent and accessible place the wage determination(s) and Department of Labor Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects.
- (8) notifying the Contracting Officer of all labor standards issues, including all complaints regarding incorrect payment of prevailing wages and/or fringe benefits, received from the recipient, subrecipient, contractor, or subcontractor employees; significant labor standards violations, as defined in 29 CFR 5.7; disputes concerning labor standards pursuant to 29 CFR parts 4, 6, and 8 and as defined in FAR 52.222-14; disputed labor standards determinations; Department of Labor investigations; or legal or judicial proceedings related to the labor standards under this Contract, a subcontract, or subrecipient award.

(9) preparing and submitting to the Contracting Officer, the Office of Management and Budget Control Number 1910-5165, Davis Bacon Semi-Annual Labor Compliance Report, by April 21 and October 21 of each year. Form submittal will be administered through the iBenefits system (<https://doeibenefits2.energy.gov>) or its successor system.

The Recipient must undergo Davis-Bacon Act compliance training and must maintain competency in Davis-Bacon Act compliance. The Contracting Officer will notify the Recipient of any DOE sponsored Davis-Bacon Act compliance trainings. The U.S. Department of Labor ("DOL") offers free Prevailing Wage Seminars several times a year that meet this requirement, at <https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events>.

For additional guidance on how to comply with the Davis-Bacon provisions and clauses, see <https://www.dol.gov/agencies/whd/government-contracts/construction> and <https://www.dol.gov/agencies/whd/government-contracts/protections-for-workers-in-construction>.

EXHIBIT D

From: Nelson, Jennifer@Energy
To: Sandborn, Jeanmarie@Energy; Carrillo, Deana@Energy; Ellis-Pachori, Savi@Energy; Ward, Allan@Energy; Mimnaugh, Damien@Energy
Subject: FW: Disbursement of HEEHRA award funds to California
Date: Monday, February 3, 2025 7:31:21 PM
Attachments: [DDC TRO.pdf](#)
[Rhode Island TRO.pdf](#)
[USDOJ Notice of Court Order.pdf](#)
Importance: High

Sent this evening. I will send you a response when I hear back.

Jennifer Nelson (she, her, hers)

Deputy Director

Reliability, Renewable Energy, and Decarbonization Incentives Division

From: Nelson, Jennifer@Energy
Sent: Monday, February 3, 2025 7:30 PM
To: Hartman, Jonathan <jonathan.hartman@hq.doe.gov>; Hubbard, Mary <mary.hubbard@hq.doe.gov>
Cc: Carrillo, Deana@Energy <deana.carrillo@energy.ca.gov>
Subject: Disbursement of HEEHRA award funds to California
Importance: High

Jonathan and Mary -

Please note that two federal courts have issued temporary restraining orders (attached) prohibiting federal agencies from implementing recent direction to pause, freeze, impede, block, cancel, or terminate disbursement of federal financial assistance or otherwise impede the States' access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms. And the U.S. Department of Justice has provided your agency with the attached "Notice of Court Order," which directs, among other things, that "Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo [M-25-13, dated Jan. 27, 2025], or on the basis of the President's recently issued Executive Orders."

As of the afternoon of February 3, 2025, Pacific Time, however, our disbursement that has been requested but not issued has not yet been received. We request that those funds immediately be disbursed, consistent with the federal court orders and U.S. DOJ's direction.

Please advise by 12 p.m. Eastern Time (9 a.m. Pacific Time) tomorrow, February 4, as to whether you have complied with the court's orders, or any reason why you have not disbursed these funds.

Thank you,

Jennifer

Jennifer Nelson (she, her, hers)

Deputy Director

Reliability, Renewable Energy, and Decarbonization Incentives Division

(916) 508-8394 (cell/text)

California Energy Commission

Website: www.energy.ca.gov

EXHIBIT E

From: [Nelson, Jennifer@Energy](mailto:Nelson.Jennifer@Energy)
To: [Carrillo, Deana@Energy](mailto:Carrillo.Deana@Energy); [Sandborn, Jeanmarie@Energy](mailto:Sandborn.Jeanmarie@Energy); [Mimnaugh, Damien@Energy](mailto:Mimnaugh.Damien@Energy); [Ward, Allan@Energy](mailto:Ward.Allan@Energy)
Subject: Fw: Disbursement of HEEHRA award funds to California
Date: Tuesday, February 4, 2025 8:38:14 AM
Attachments: [image001.png](#)

Response from DOE

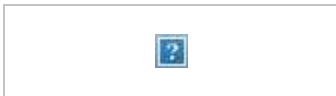
Jennifer Nelson
California Energy Commission

From: Hubbard, Mary <mary.hubbard@hq.doe.gov>
Sent: Tuesday, February 4, 2025 4:29:07 AM
To: Nelson, Jennifer@Energy <Jennifer.Nelson@energy.ca.gov>; Hartman, Jonathan <jonathan.hartman@hq.doe.gov>
Cc: Carrillo, Deana@Energy <deana.carrillo@energy.ca.gov>; Zelmar, Karen <karen.zelmar@hq.doe.gov>; Volpi, Christina <christina.volpi@hq.doe.gov>
Subject: RE: Disbursement of HEEHRA award funds to California

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Hi Jen,
Thank you for reaching out. We've received your email, we'll be back in touch as soon as possible.

Thanks,
Mary



[Follow us on social media](#)

Mary Hubbard

Monitoring and Delivery Team
Supervisor

Home Energy Rebates Program

Office of State and Community Energy
Programs (SCEP)
MOBILE 202.262.3522

From: Nelson, Jennifer@Energy <Jennifer.Nelson@energy.ca.gov>
Sent: Monday, February 3, 2025 10:30 PM
To: Hartman, Jonathan <jonathan.hartman@hq.doe.gov>; Hubbard, Mary <mary.hubbard@hq.doe.gov>
Cc: Carrillo, Deana@Energy <deana.carrillo@energy.ca.gov>
Subject: [EXTERNAL] Disbursement of HEEHRA award funds to California
Importance: High

Jonathan and Mary -

Please note that two federal courts have issued temporary restraining orders (attached) prohibiting federal agencies from implementing recent direction to pause, freeze, impede, block, cancel, or terminate disbursement of federal financial assistance or otherwise impede the States' access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms. And the U.S. Department of Justice has provided your agency with the attached "Notice of Court Order," which directs, among other things, that "Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo [M-25-13, dated Jan. 27, 2025], or on the basis of the President's recently issued Executive Orders."

As of the afternoon of February 3, 2025, Pacific Time, however, our disbursement that has been requested but not issued has not yet been received. We request that those funds immediately be disbursed, consistent with the federal court orders and U.S. DOJ's direction.

Please advise by 12 p.m. Eastern Time (9 a.m. Pacific Time) tomorrow, February 4, as to whether you have complied with the court's orders, or any reason why you have not disbursed these funds.

Thank you,

Jennifer

Jennifer Nelson (she, her, hers)

Deputy Director

Reliability, Renewable Energy, and Decarbonization Incentives Division

(916) 508-8394 (cell/text)

California Energy Commission

Website: www.energy.ca.gov

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EXHIBIT F

From: [Kashiwagi, Gordon@Energy](mailto:Kashiwagi.Gordon@Energy)
To: [Fowler, Henry](#)
Cc: [Howe, Julie](#)
Subject: SEP BIL
Attachments: [DDC TRO.pdf](#)
[Rhode Island TRO.pdf](#)
[USDOJ Notice of Court Order.pdf](#)

Hi Henry,

"Please note that two federal courts have issued temporary restraining orders (attached) prohibiting federal agencies from implementing recent direction to pause, freeze, impede, block, cancel, or terminate disbursement of federal financial assistance or otherwise impede the States' access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms. And the U.S. Department of Justice has provided your agency with the attached "Notice of Court Order," which directs, among other things, that "Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo [M-25-13, dated Jan. 27, 2025], or on the basis of the President's recently issued Executive Orders."

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Please advise by 3 p.m. Eastern Time (12 p.m. Pacific Time) tomorrow, February 4, as to whether you have complied with the court's orders, or any reason why you have not disbursed these funds."

Gordon Kashiwagi
Loans and Invoices Manager
California Energy Commission
www.energy.ca.gov



<!--[if !vml]-->

<!--[endif]-->

EXHIBIT G

From: [Fowler, Henry](#)
To: [Kashiwagi, Gordon@Energy](#)
Cc: [Howe, Julie](#); [Gerstman, Ari](#)
Subject: RE: SEP BIL
Date: Tuesday, February 4, 2025 12:29:35 PM
Attachments: [image001.jpg](#)

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Thank you for reaching out to the U.S. Department of Energy. We appreciate your inquiry and will respond to you as soon as possible.

From: Kashiwagi, Gordon@Energy <gordon.kashiwagi@energy.ca.gov>
Sent: Monday, February 3, 2025 9:20 PM
To: Fowler, Henry <henry.fowler@hq.doe.gov>
Cc: Howe, Julie <julie.howe@hq.doe.gov>
Subject: [EXTERNAL] SEP BIL

Hi Henry,

"Please note that two federal courts have issued temporary restraining orders (attached) prohibiting federal agencies from implementing recent direction to pause, freeze, impede, block, cancel, or terminate disbursement of federal financial assistance or otherwise impede the States' access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms. And the U.S. Department of Justice has provided your agency with the attached "Notice of Court Order," which directs, among other things, that "Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo [M-25-13, dated Jan. 27, 2025], or on the basis of the President's recently issued Executive Orders."

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Gordon Kashiwagi
Loans and Invoices Manager

California Energy Commission

www.energy.ca.gov



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EXHIBIT H

From: [Durant, Vanessa@Energy](mailto:Durant.Vanessa@Energy)
To: [Henry Fowler \(henry.fowler@hq.doe.gov\)](mailto:henry.fowler@hq.doe.gov)
Cc: [Ward, Allan@Energy](mailto:Ward.Allan@Energy)
Subject: Disbursement of EECBG award funds to California Energy Commission
Date: Tuesday, February 4, 2025 8:37:54 AM
Attachments: [Rhode Island TRO.pdf](#)
[USDOJ Notice of Court Order.pdf](#)
[DDC TRO.pdf](#)
[image001.png](#)

Henry,

Please note that two federal courts have issued temporary restraining orders (attached) prohibiting federal agencies from implementing recent direction to pause, freeze, impede, block, cancel, or terminate disbursement of federal financial assistance or otherwise impede the States' access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms. And the U.S. Department of Justice has provided your agency with the attached "Notice of Court Order," which directs, among other things, that "Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo [M-25-13, dated Jan. 27, 2025], or on the basis of the President's recently issued Executive Orders."

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Please advise by 3 p.m. Eastern Time (12 p.m. Pacific Time) today, February 4, as to whether you have complied with the court's orders, or any reason why you have not disbursed these funds.

Thank you,
Vanessa

Vanessa Durant (she, her, hers)
Decarbonization Incentives Specialist
Policy & Analysis Unit
Existing Buildings Branch
Efficiency Division
+19162329055

California Energy Commission
Website: www.energy.ca.gov



EXHIBIT I

From: [Fowler, Henry](#)
To: [Durant, Vanessa@Energy](#)
Cc: [Ward, Allan@Energy](#); [Gerstman, Ari](#); [Howe, Julie](#)
Subject: RE: Disbursement of EECBG award funds to California Energy Commission
Date: Tuesday, February 4, 2025 12:28:56 PM
Attachments: [image001.png](#)

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Thank you for reaching out to the U.S. Department of Energy. We appreciate your inquiry and will respond to you as soon as possible.

From: Durant, Vanessa@Energy <Vanessa.Durant@Energy.ca.gov>
Sent: Tuesday, February 4, 2025 9:38 AM
To: Fowler, Henry <henry.fowler@hq.doe.gov>
Cc: Ward, Allan@Energy <Allan.Ward@energy.ca.gov>
Subject: [EXTERNAL] Disbursement of EECBG award funds to California Energy Commission

Henry,

Please note that two federal courts have issued temporary restraining orders (attached) prohibiting federal agencies from implementing recent direction to pause, freeze, impede, block, cancel, or terminate disbursement of federal financial assistance or otherwise impede the States' access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms. And the U.S. Department of Justice has provided your agency with the attached "Notice of Court Order," which directs, among other things, that "Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo [M-25-13, dated Jan. 27, 2025], or on the basis of the President's recently issued Executive Orders."

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Please advise by 3 p.m. Eastern Time (12 p.m. Pacific Time) today, February 4, as to whether you have complied with the court's orders, or any reason why you have not disbursed these funds.

Thank you,
Vanessa

Vanessa Durant (she, her, hers)
Decarbonization Incentives Specialist
Policy & Analysis Unit
Existing Buildings Branch

Efficiency Division
+19162329055

California Energy Commission
Website: www.energy.ca.gov



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